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FINAL REPORT

(Part II)

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in Canada

Div: II contract no 9





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PART I - THE LEGAL HISTORY OF BILINGUALISM  
IN CANADA.

CHAPTER I

THE LEGAL HISTORY OF BILINGUALISM IN CANADA





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CHAPTER I

THE LEGAL HISTORY OF BILINGUALISM IN CANADA



I. SUMMARY

ANALYSIS OF THE EFFECTS OF VITAMIN A ON THE



## INTRODUCTION

### 1.01 Purpose of the Historical Part.

The Historical Part of our report is designed to furnish the historical background for the various subjects studied in this project. We have tried to write a legal history of bilingualism in Canada. This history is mainly concerned with subjects such as the language of legislation, the use of languages in court proceedings, and mixed juries. We believe that this Part is indispensable for a proper understanding of the Report since it traces the evolution of the various institutions we have surveyed. While most of the material is not new and does not represent the fruits of original research in the scientific sense, but rather a compilation of existing printed sources, we feel that a relatively unexplored territory in our study of the West and of the Yukon and Northwest Territories. For instance, our research shows more than a little bilingualism in English's legal and in the Northwest Territories. We have found considerable evidence that notwithstanding the generally contrary opinion, French was never legally abolished in either the Northwest Territories or in the Yukon. In fact, even in Alberta and Saskatchewan, the language situation is far from clear from a legal point of view.

### 1.02 Method of Research.

The present Part is based to a large extent on compilation of printed documents and statistics. Whenever possible we have examined the original version of a statute or ordinance. In fact, all available printed statutes and ordinances have been examined.



INTRODUCTION



## I N T R O D U C T I O N

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The present Part is based to a large extent on compilations of printed documents and statutes. Whenever possible we have examined the original version of a statute or ordinance. In fact, all available printed statutes and ordinances have been examined.

INTRODUCTION

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Purposes of the present Part.

The historical part of our research project is designed to furnish the historical background for the various subjects treated in this project. We have tried to write a legal history of Billingsham in Canada. This history is mainly concerned with subjects such as the language of legislation, the use of language in court proceedings, and mixed justice. We believe that this Part is indispensable for a proper understanding of our Report since it traces the evolution of the various institutions we have surveyed. While most of the material is not new and does not represent the fruits of original research in the scientific sense, but rather a compilation of existing printed sources, we feel that we can claim to have tried relatively unexplored territory in our study of the West and of the Yukon and Northwest Territories. For instance, our research shows more than a little Billingsham in Rupert's Land and in the Northwest Territories. We have found conclusive evidence that notwithstanding the prevailing contrary opinion, French was never legally abolished in either the Northwest Territories or in the Yukon. In fact, even in Alberta and Saskatchewan, the language situation is far from clear from a legal point of view.

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The present Part is based to a large extent on compilations of printed documents and statutes. Whenever possible we have examined the original version of a statute or ordinance. In fact, all available printed statutes and ordinances have been examined.



A large number of historical works were referred to. They are listed in our bibliography. When necessary research was conducted in the Archives. We make no greater claim for this Part than to say that it is perhaps the first systematic compilation of the legal history of bilingualism in this country.





DIVISION I

A C A D E M





A. Nova Scotia prior to Confederation.

1.03      1713: Acadia becomes a British Colony.

By Article 12 of the Treaty of Utrecht signed on April 11, 1713, Acadia, until that date a French possession, became a British colony. This article stated:

" (Louis XIV cède à l'Angleterre),: "la Nouvelle-Ecosse, autrement dite Acadie, en son entier, conformément à ses anciennes limites, comme aussi la ville de Port-Royal, nommée Annapolis-Royale, la ville et le fort de Plaisance et autres lieux occupés par les Français dans l'Ile de Terre-Neuve. Aux Français restait le droit de pêcher et de faire sécher le poisson, depuis le Cap Bonavista jusqu'à la Pointe du Nord, et de la Pointe du Nord jusqu'à la Pointe Riche; l'île du Cap Breton, et toutes les autres quel-conques, situées dans l'embouchure et dans le golfe de Saint-Laurent, demeurent à l'avenir, à la France, avec l'entière faculté au Roi très-chrétien d'y fortifier une ou plusieurs places. Les habitants du Canada, et autres sujets de la France, cessent de molester, à l'avenir, les cinq nations Bretagne, et les autres nations de l'Amérique amies de cette Couronne; pareillement les sujets de la Grand-Bretagne se comportent pacifiquement envers les Américains, sujets ou amis de la France." "1

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<sup>1</sup>Quoted by Doutre, G. and Lareau, E., Histoire Générale du Droit Canadien, Montreal, 1872, Vol. I, p. 246.





The French population of Acadia, which had been a few hundreds in 1671, the last year of arrival of immigrants from France, had reached 1700 at the time of the signing of the Treaty of Utrecht<sup>1</sup>.

1.04      1713-49: Early British Government allows some  
Acadian self-government.

At first, Acadia was a British Colony only in name, for until 1749 the only English inhabitants were a few soldiers and merchants at Annapolis and Canso, augmented in the latter village by a transient fishing population.<sup>2</sup> Government was largely a matter of supervising the Acadians who constituted almost the entire population.<sup>3</sup> In fact, even after 1713, the Acadian population continued to double every 16 years despite departures and persecutions.<sup>4</sup> By 1749, there were around 10,000 Acadians.<sup>5</sup> The Acadians continued as apathetic to political and military matters under their British masters as they had been under the French. They disregarded official regulations and maintained a form of rudimentary self-rule.<sup>6</sup>

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<sup>1</sup>The Government of Nova Scotia, by G. Murray Beck, Toronto, 1957, p. 3.

<sup>2</sup>Beck, ibid.

<sup>3</sup>id.

<sup>4</sup>Langlois, Georges, Histoire de la Population Canadienne Française, 2nd ed., Montreal, 1935, p. 32.

<sup>5</sup>Beck, loc. cit.

<sup>6</sup>id.



The Board of Trade, organ of British government entrusted with the administration of the Colonies does not appear to have adopted any definite policy towards them. Nevertheless, the Board agreed to guarantee the constitutional rights of Englishmen as a means of attracting settlers in the new possession and in 1719 provided Governor Phipps with a new Commission and Instructions, requiring that an Assembly be called. However, the first Assembly was not convoked until 1758. Until that time, the Colony was governed by means of proclamations of the Governor and of his Executive Council. Prior to 1755 "native instruments of government" evolved, the purpose of which was to provide a regular channel of communication between the Governors and the local population. As early as 1710 the Acadians had sent emissaries to deal with the new masters who, realizing the need for persons to receive and see to the execution of their orders, proceeded to regularize their election and functions. These emissaries became a form of Acadian self-government and at the same time served as buffers between the latter and the English.<sup>1</sup> Hence, since during the makeshift government between 1710 and 1749 the

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<sup>1</sup>Beck, op. cit., p. 5.





Acadians were able to communicate with the administration through their own representatives, it might be said that to that extent the French language continued to be recognized under the British.

1.05      1749-1755: English settlement and the expulsion of Acadians.

The policy of English settlement of Acadia began in earnest in June 1749, when Colonel Wallace arrived at Chebucto with 2,546 British settlers.<sup>1</sup> By 1755, the year of the mass deportation of the Acadians, the English population had grown to around 3,000. In 1766 it was 9,000; in 1767, 13,374; and by 1774 it had reached a total of 17,000, a figure, however, which must be deemed to include 1,265 Acadians.<sup>2</sup> This policy of greatly increased English settlement, combined with the expulsion of the Acadians, eventually gave Nova Scotia a predominantly English stamp which it maintains to the present day.

1.06      1749: French language and laws formally abolished.

The French language from that time on ceased to enjoy any legal status whatever. Nevertheless, the legal basis for official unilingualism in Nova Scotia is to be

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<sup>1</sup>id., p. 6.

<sup>2</sup>Langlois, op. cit., p. 131





found in the constitution of that Province which was embodied in the Commission and Instructions to Edward Cornwallis issued on May 6, 1749 rather than in the expulsion of the Acadians.

Two kinds of colonial constitution were possible at that time - prerogative and statutory constitutions. The competence of Parliament to enact a constitution for a Colony was never in question, but at first there was serious doubt as to the authority of the Crown to do same.<sup>1</sup> The case of Campbell v. Hall<sup>2</sup> settled that the Crown alone had the power to legislate for a conquered country. However, this power was subject to the terms of capitulation or of the treaty of peace and subordinate to the authority of Parliament. Nothing in the Treaty of Utrecht had guaranteed to the Acadians the continuation of their language or of French laws. As Lord Mansfield wrote in Campbell v. Hall:

" It is left by the constitution to the King's authority to grant or refuse a capitulation: if he refuses, and puts the inhabitants to the sword or exterminates them, all the lands belong to him. If he receives the inhabitants under his protection and grants them their property,

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<sup>1</sup>see Read, G.E., "The Early Provincial Constitutions", (1948) 26 Can. Bar. Rev., 625.

<sup>2</sup>(1774) Cowp. 204; Lofft 655.



he has a power to fix such terms and conditions as he thinks proper. He is entrusted with making the treaty of peace: he may yield up the conquest or retain it upon what terms he pleases. These powers no man ever disputed, neither has it hitherto been controverted that the King might change part or the whole of the law or political form of government of a conquered dominion."<sup>1</sup>

By the above-mentioned Commission and Instructions to Colonel Wallace, English law was introduced to Acadia. With respect to the grant of legislative power the Commission provided as follows:

" And you the said Edward Cornwallis with the advice and consent of our said Council and Assembly or the major part of them respectively shall have full power and authority to make, constitute and ordain Laws, Statutes and Ordinances for the Public peace, welfare and good government of our said province and of the people and inhabitants thereof and such others as shall resort thereto & for the benefit of us our heirs and Successors, which said Laws, Statutes and Ordinances are not to be repugnant but as near as may be agreeable to the Laws and Statutes of this our Kingdom of Great Britain."<sup>2</sup>

The Commission and Instructions also provided that the rule

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<sup>1</sup>quoted in Read, op. cit., at 622.

<sup>2</sup>id., at 627



The first part of the paper discusses the importance of the study and the objectives of the research. It also outlines the methodology used in the study and the results obtained. The second part of the paper discusses the implications of the study and the conclusions drawn from the research. It also outlines the limitations of the study and the areas for future research.

The study was conducted in a laboratory setting and involved the use of a series of tests to measure the performance of the system. The results of the tests were compared to the theoretical predictions and the conclusions drawn from the research. The study found that the system performed well under the conditions tested and that the theoretical predictions were generally accurate.

The implications of the study are that the system can be used in a variety of applications and that the theoretical predictions can be used to guide the design of the system. The conclusions drawn from the research are that the system is a viable option for the application and that the theoretical predictions are a useful tool for the design of the system.

The limitations of the study are that the results were obtained from a laboratory setting and that the system was tested under ideal conditions. The areas for future research are to test the system in a real-world setting and to investigate the effects of different parameters on the performance of the system.

of decision in the courts was to be in accordance to the law of England.

The use of any foreign language in English courts and records had been completely abolished by statute in 1731.<sup>1</sup> This Act provided as follows:

"15. Item, because it is often showed to the king by the prelates dukes, earls, barons and all the commonalty, of the great mischiefs which have happened to divers of the realm, because the laws, customs and statutes of this realm be not commonly known in the same realm, for that they be pleaded, showed, and judged in the French tongue, which is much unknown in the said realm; so that the people which do implead or be impleaded, in the king's court and in the courts of other have no knowledge nor understanding of that which is said for them or against them by their sergeants and other pleaders; and that reasonably the said laws and customs shall be the more soon learned and known, and better understood in the tongue used in the said realm, and by so much every man of the said realm may the better govern himself without offending of the law, and the better keep, save, and defend his heritage and possessions; and in divers regions and countries where the king, the nobles, and other of the said realm have been, good governance and full right is done to every person, because that their

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<sup>1</sup> 4 Geo. II, c. 26.





las and customs be learned and used in the tongue of the country: the king, designing the good governance and tranquility of his people, and to put out and eschew the harms and mischiefs which do or may happen in this behalf by the occasions aforesaid, hath ordained and established by the assent aforesaid, that all pleas which shall be pleaded in his court whatsoever, before any of his justices whatsoever, or in his other places, or before any of his other ministers whatsoever, or in the courts and places of any other lords whatsoever within the realm, shall be pleaded, showed, defended, answered, debated, and judged in the English tongue, and that they be entered and inrolled in Latin;...

Whereas many and great mischiefs do frequently happen to the subjects of this kingdom, from the proceedings in courts of justice being in an unknown language, those who are summoned and impleaded having no knowledge or understanding of what is alleged for or against them in the pleadings of their lawyers and attorneys, who use a character not legible to any but persons practising the law: to remedy these great mischiefs, and to protect the lives and fortunes of the subjects of that part of Great Britain called England, more effectually than heretofore, from the peril of being ensnared or brought into danger by forms and proceedings in courts of justice, in an unknown language, be it enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons of Great Britain in parliament assembled,



and by the authority of the same, that from and after the twenty-fifth day of March one thousand seven hundred and thirty-three, all writs, process and returns thereof, and proceedings thereon, and all pleadings, rules, orders, indictments, informations, inquisitions, presentments, verdicts, prohibitions, certificates, and all patents, charters, pardons, commissions, records, judgments, statutes, recognizances, bonds, rolls entries, fines and recoveries, and all proceedings relating thereunto, and all proceedings of courts leet, courts baron and customary courts, and all copies thereof, and all proceedings whatsoever in any courts of justice within that part of Great Britain called England, and in the court of exchequer in Scotland, and which concern the law and administration of justice, shall be in the English tongue and language only, and not in Latin or French, or any other tongue or language whatsoever, and shall be written in such a common legible hand and character, as the acts of parliament are usually engrossed in, and the lines and words of the same to be written at least as close as the said acts usually are, and not in any hand commonly called court hand, and in words at length and not abbreviated; any law, custom or usage heretofore to the contrary thereof notwithstanding: and all and every person or persons offending against this act, shall for every such offence forfeit and pay the sum of fifty pounds to any person who shall sue for the same by action of debt, bill, plaint, or information in any of His Majesty's courts of record in Westminster Hall, or court of exchequer in Scotland respectively, wherein no essoin, protection





or wager of law, or more than one  
imparlance, shall be allowed..."<sup>1</sup>

By implication, this statute was part of the law of Nova Scotia so that English can be deemed to have become the sole official language of the colony.

1.07      1758: Legislative Assembly set up and never  
              used French.

The Legislative Assembly of Nova Scotia was first convened on October 2, 1758. There was never any provision as to the language of debate or record. However, English was always assumed to be the official language and in any case, the French speaking Acadians were barred from membership in the Assembly by the anti-Catholic Test Act.<sup>2</sup> Nevertheless, as we will see<sup>3</sup> some token attempt has been made in recent years to introduce the occasional use of French in the Nova Scotia legislature.

1.08      Conclusion.

From the time of the first Legislative Assembly in 1758 to Confederation, not a single Nova Scotia statute is to be found conferring any legal status whatever on the French language. English only had legal status.

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<sup>1</sup>Quoted in Taylor, G.E., "The Official Language of the Courts in Saskatchewan", (1931) 9 Can. Bar. Rev. 277 at 278-79. Italics ours.

<sup>2</sup>cf. 1.32.

<sup>3</sup>In s. 13.17 (b)



B. Prince Edward Island

1.09      Created in 1749: English law introduced by  
            implication.

Prince Edward Island, formerly known as St. John's Island, received its constitution in the form of a Commission of August 4, 1769, and Instructions of July 27, 1769 to Governor Patterson. These documents were essentially similar to those issued in 1749 to Colonel Wallace for Nova Scotia. With regard to judicial institutions, there were express instructions to follow the Nova Scotian model.<sup>1</sup> Therefore, while there was never any express provision to that effect, English may be taken to have become, and to remain, the official language of Prince Edward Island. It is worth noting that no provisions at all are to be found in the pre-Confederation statutes of Prince Edward Island with regard to the status of any language.

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<sup>1</sup>Read, op. cit. at 630.





C. New Brunswick

1.10 Created in 1784.

The New Brunswick constitution originates in the Commission of August 16, 1784 and the Instructions to Governor Thomas Carlton.<sup>1</sup> These documents also correspond very closely to the Nova Scotian. Prior to its creation as a separate Province, New Brunswick had been a part of Nova Scotia, and the form of government established for New Brunswick was substantially identical to that of the older province. As in Nova Scotia, there was no express statutory provision governing the use of any language. However, by virtue of custom and usage as well as the importation of English law into New Brunswick we may conclude that English became and remained the official tongue of that Province. Before Confederation there are no legal provisions whatever governing language rights. Our research has disclosed only one statute dealing with the French-speaking inhabitants of New Brunswick and this had nothing at all to do with the use of any language. It was entitled An Act relating to French Paupers in the Parish of Dorchester in the County

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<sup>1</sup>Read, op.cit. at 630.



of Westmorland.<sup>1</sup>

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<sup>1</sup>1861 S.N.B. 24 Vic., c. 22.





DIVISION II

C A N A D A

( QUEBEC AND ONTARIO )



A. INTRODUCTION.

1.11 Scope of the present part.

The present Part is devoted to a historical study of the law of bilingualism in Canada from the time of the 1760 conquest on. We have not thought it necessary to survey the French Regime as it consisted of a homogeneous French-speaking community which had reached about 60,000 souls by the time of the conquest. Since there were no English inhabitants, all legal matters were transacted in French. Things changed naturally in 1760 with the British military occupation and the gradual influx of English-speaking immigrants. The present Part will examine in detail what happened in the field of law from 1760 until Confederation. By Canada we understand the area presently known as Quebec and Ontario, and which at one time was divided into Lower and Upper Canada. We would also like to reiterate that this Part constitutes, to a large extent, a compilation of material found in secondary sources and which provides a useful background for the other chapters of this research project. It contains very little, if any, original historical documentation. It is designed to provide the indispensable toile de fond for the rest of this research project.





1.12

Organization of Division II.-

The present Division is devoted to the legal history of bilingualism and what was formerly known as Quebec or Canada and now includes both the provinces of Quebec and Ontario. The British Regime (1760-91) will be surveyed first. It is itself divided in three periods: the military government (1760-63), the civil government (1763-74) and the Legislative Council (1774-91). We will then study the half-century separating the Constitutional Act of 1791 and the Act of Union re-uniting Upper and Lower Canada. This Division will conclude with an examination of the Confederation Debates leading to the B.N.A. Act of 1867.



B. BRITISH REGIME: 1760 - 1791.

1.13 Introduction.

From the time of the Cession until the Constitutional Act of 1791 which divided Canada into Upper and Lower Canada, the Province of Quebec was administered under three different successive forms of government. These were:

- a) 1760 - 1763: a military government composed of the commanding General of the English troupes, and the Governors of Quebec, Montreal, and Trois-Rivières.
- b) 1763 - 1774: a form of civil government consisting of a Council exercising legislative, executive, and judicial powers, composed of a Governor General residing at Quebec and his Lieutenant-Governors at Montreal and Trois-Rivières, of the Chief Justice, the Customs Inspectors, and of 8 persons chosen among the most noble inhabitants, only one of the latter being a Canadian.
- c) 1774 - 1791: the Legislative Council established under the Quebec Act of 1774 and composed of 23 members of whom one third were Roman Catholic Canadians.





This period of three decades is of great importance in the legal history of bilingualism, for, while no text of positive law gave the French language an official status, neither was there any which abrogated its use and replaced it with English as the official language of the Colony. Furthermore, the communications and practices of the British administrators present strong evidence that the use of French was to continue in the public institutions of Canada.

1. BRITISH MILITARY REGIME (1760-63).

1.14 The Articles of Capitulation: 1759-60.

With the signature of the Articles of Capitulation of Montreal on September 8, 1760, all resistance ended and possession of Canada was taken by the British forces. The Articles of Capitulation of Quebec had been signed on September 18, 1759. No provision of the Articles of Capitulation either of Quebec or Montreal makes mention of the status to be accorded to the French language. Article II of the Quebec Articles states "that the inhabitants shall be preserved in the possession of their houses, goods, effects and privileges." To which the reply of the British was: "granted, upon the



laying down of their arms."<sup>1</sup> It is conceivable that the continued use of the French language could be deemed to fall within such "privileges", but in the context of the Article this interpretation is somewhat strained. Article XLII of the Article of Capitulation of Montreal demanded that,

" The French and Canadians shall continue to be governed according to the custom of Paris, and the Laws and Usages established for this Country, and they shall not be Subject to any further imposts than those which were established under the French Dominions,"

To which the laconic British reply was,

" They become the subjects of the King."

But, as will be explained later, this reply must not be taken to indicate that it was the intention of the conquerors to abrogate either the French laws or language. Indeed it was the intention of the British to retain the records, all in the French language, of the courts of the former regime. This may be seen from the terms of Article XLV of the Articles of Capitulation of Montreal:

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<sup>1</sup>quoted in Shortt, Adam and Doughty, Arthur G., Documents Relating to the Constitutional History of Canada, 1759 - 1791; Ottawa, 1918, Vol. I, p. 5. This essential compilation will be referred to hereinafter as Constitutional Documents.



" The Registers, and other papers of the Supreme Council of Quebec, of the Prevôté and Admiralty of the said city; those of the Royal jurisdictions of Trois Rivières and of Montreal; those of the Seignional Jurisdictions of the colony; the minutes of the Acts of the Notaries of the towns and of the countries; and in general, the acts and other papers, that may serve to prove the estates and fortunes of the Citizens, shall remain in the colony, in the rolls of the jurisdictions on which these papers depend."<sup>1</sup>

The British reply was: "Granted".

The British thus wished to ensure continuity in the administration of justice by having available for consultation the precedents and records of the previous regime, all of them naturally entirely in the French language.

1.15      Jacques Allier, the first French Canadian judge under British rule.

Steps toward the regular administration of the law were promptly taken in the conquered territory. Colonel Young was appointed civil and criminal judge in the town of Quebec. On January 16, 1760, General Murray, the Commander in Chief of the British troupes in the St.

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<sup>1</sup> Constitutional Documents, op. cit., p. 34.





Lawrence, issued a commission in the French language to Sir Jacques Allier, making the latter civil and criminal judge in "The Parish of Belletier and those lying beyond as far as Camoraska, inclusive". Thus was appointed the first French Canadian judge under British Rule.<sup>1</sup>

1.16      Administrative districts retained.

Immediately after the capitulation of Montreal, General Amherst, Commander in Chief of the British forces in North America, took measures for the establishment of a provisional military government. He retained the French division of the Province into the three administrative districts of Quebec, Trois Rivières and Montreal. On September 16, 1760, Colonel Burton was made Governor of Trois-Rivières and on September 22, Brigadier-General Gage, of Montreal. Murray was already Governor of Quebec.

1.17      French Militia officers authorized to render lower justice in districts of Montreal and Trois-Rivières.

On September 22, 1760 at Montreal Amherst issued

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<sup>1</sup> Constitutional Documents, p.37



a proclamation in the French language whereby he informed the populace of the appointment of Gage and Burton, and authorized the Governors"...to nominate to all posts vacant in the Militia", and to begin, "by signing commissions in favour of those who have lately enjoyed such posts under His Most Christian Majesty." The proclamation entrusted the administration of justice to the Militia in the following terms:

" That in order to settle amicably as far as possible all differences which may arise amongst the inhabitants, the said Governors are charged to authorize the Officer of Militia commanding in each parish or district to hear all complaints, and if they are of such a nature that he can settle them, he shall do so with all due justice and equity; if he cannot decide at once, he must send the parties before the Officer commanding the troupes in his district, who shall in like manner be authorized to decide between them if the case is not sufficiently serious to require its being brought before the Governor himself, who in this, as in every other case, shall administer justice where it is due."<sup>1</sup>

The Militia had been organized by Governor Frontenac during the French regime as a result of a serious deficiency in the number of the Royal troupes, stationed in New France.

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<sup>1</sup>Constitutional Documents, p. 40.





All able-bodied men were required to serve in the Militia, with the exception of a few officials. The Militia captain in each parish became the local representative of the central Government in civil as well as military matters.<sup>1</sup>

By entrusting the administration of justice of Montreal and Trois-Rivières to Militia officers, the British thereby ensured that disputes would be tried by the inhabitants enjoying the greatest respect and who understood the language of the litigants.

1.18      Administration of justice at Trois-Rivières.

On October 1, 1760, Governor Burton posted the ordinance dated September 22, 1760, of General Amherst, and accompanied it with one of his own in French in which he enjoined the Militia officers or captains to decide all suits brought before them with justice and free of charge.<sup>2</sup> On October 6, 1760 he wrote a letter to all the captains of the Militia to accompany his own ordinance and that of Amherst. In it he said, "La bonne

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<sup>1</sup>Wade, Mason; The French Canadians, Toronto, 1955, pp. 50-51.

<sup>2</sup>Doutre and Lareau, op. cit., p. 489.

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reputation dont vous jouissez me persuade que j'aurais lieu d'être content de vos soins, pour faire régner la paix et l'harmonie dans votre paroisse."<sup>1</sup> The Militia officers were not commanded to decide according to any particular system of law but "suivant les lumières de votre raison et en conscience avec toute la justice et la droiture..."<sup>2</sup>. Moreover, a right of appeal to the British commander in the parish was established:

" Si l'entêtement des parties, ou la nature embarrassante des causes vous ôtait le pouvoir de terminer par vous mêmes, vous renverrez pour lors les parties devant l'officier des troupes commandant dans votre dite paroisse de...qui en décidera suivant les instructions qu'il a reçues de moi à ce sujet."<sup>3</sup>

1.19      Administration of justice at Montreal.

Governor Gage entrusted the administration of justice in Montreal to the local Militia officers by means of an ordinance issued on October 28, 1760.<sup>4</sup>

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<sup>1</sup> Doutre and Lareau, op. cit., p. 489.

<sup>2</sup> id.

<sup>3</sup> id.

<sup>4</sup> id., p. 490.



This ordinance also provided for a right of appeal to the officers commanding the British troupes in the district or canton where the parties resided. The procedure for appeal is of interest:

"...tous appels fait pardevant Nous doivent être rédigés par écrit, et remis entre les mains de notre secrétaire; et le jour que nous destinerons à les écouter et déterminer sera publié et affiché..."

The provision is interesting because Governors Murray, Burton and Gage each appointed a French-speaking Swiss as his secretary - H. T. Cramahé at Quebec, J. Bruyères at Trois-Rivières, and G. Maturin at Montreal. Thus it was assured that the representatives of the British Crown could make themselves understood in communications with the public. Conversely, the Canadians were able to communicate in their own language with the administration.

1.20      Administration of justice at Quebec.

On October 31, 1760 Murray established a judicial system at Quebec differing from those at Trois-



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Rivières and Montreal.<sup>1</sup> The administration of justice was placed in the hands of a seven-man military Council instead of the local Militia officers. The decisions of the soldier-judges were final. Article 7 of the ordinance stated,

" Les jugements qui seront rendus en notre Hôtel, à l'audience, seront exécutés sans appel, et les parties contraintes d'y satisfaire suivant ce qui sera prononcé; à l'exception des affaires que nous jugerons à propos de renvoyer au Conseil militaire pour être jugées; lesquelles seront remises à un des Conseillers que nommerons, qui en fera son rapport au Conseil, pour sur icelui être fait droit à qui il appartiendra."

Article 1 of the same ordinance provided the procedure for the commencement of actions:

" Toutes plaintes ou affaires d'intérêt civil ou criminel nous seront faites par placets ou requêtes adressant à Nous, lesquels seront remis néanmoins à M. H. Cramahé, notre secrétaire, qui les répondra, pour que les assignations soient ensuite données par le premier huissier, aux parties adverses, aux fins de comparaître pour défendre en notre audience suivant les délais marqués eu égard à la distance des lieux."

On November 2, 1760 in conformity with the ordinance of

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<sup>1</sup>The text is found in Doutre and Lareau, op. cit., pp. 491-2.

the following is a list of the names of the persons who have been  
admitted to the membership of the Society since the last meeting.  
The names are given in alphabetical order of the surnames.

- Mr. A. B. C.
- Mr. D. E. F.
- Mr. G. H. I.
- Mr. J. K. L.
- Mr. M. N. O.
- Mr. P. Q. R.
- Mr. S. T. U.
- Mr. V. W. X.
- Mr. Y. Z. A.
- Mr. B. C. D.
- Mr. E. F. G.
- Mr. H. I. J.
- Mr. K. L. M.
- Mr. N. O. P.
- Mr. Q. R. S.
- Mr. T. U. V.
- Mr. W. X. Y.
- Mr. Z. A. B.
- Mr. C. D. E.
- Mr. F. G. H.
- Mr. I. J. K.
- Mr. L. M. N.
- Mr. O. P. Q.
- Mr. R. S. T.
- Mr. U. V. W.
- Mr. X. Y. Z.
- Mr. A. B. C.
- Mr. D. E. F.
- Mr. G. H. I.
- Mr. J. K. L.
- Mr. M. N. O.
- Mr. P. Q. R.
- Mr. S. T. U.
- Mr. V. W. X.
- Mr. Y. Z. A.
- Mr. B. C. D.
- Mr. E. F. G.
- Mr. H. I. J.
- Mr. K. L. M.
- Mr. N. O. P.
- Mr. Q. R. S.
- Mr. T. U. V.
- Mr. W. X. Y.
- Mr. Z. A. B.
- Mr. C. D. E.
- Mr. F. G. H.
- Mr. I. J. K.
- Mr. L. M. N.
- Mr. O. P. Q.
- Mr. R. S. T.
- Mr. U. V. W.
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The names of the persons who have been admitted to the membership of the Society since the last meeting are given in the list above.

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the 31st, Murray appointed seven councillors<sup>1</sup>. Not one of these was a Canadian. However, four (Major Augustin Prévost, Hector Théophile Cramahé, Jacques Bazbult, and Edmond Mabane) bore French names. But on the same day, Murray commissioned Jacques Belcourt de la Fontaine, a prominent Canadian lawyer, as his Attorney-General for the entire South Shore of the Quebec District<sup>2</sup>. A similar commission was issued to another prominent Canadian lawyer, Joseph-Etienne Cugnet, for the North Shore<sup>3</sup>. Both Attorneys-General, by the terms of their commissions were to be aided in their functions by the Chief Clerk of the Superior Council at Quebec or by clerks commissioned by them. The Chief Clerk was Jean Claude Panet, a former soldier in the French navy who had emigrated to Canada in 1740.<sup>4</sup>

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<sup>1</sup>Their Commission is reprinted in Doutre and Lareau, op. cit., pp. 492-3.

<sup>2</sup>His Commission is reprinted in Doutre and Lareau, op. cit., p.493.

<sup>3</sup>id.

<sup>4</sup>id.





1.21      Improvement of system of justice at Montreal.

On October 31, 1761, Governor Gage streamlined the administration of justice in the Montreal area by subdividing the militia courts into five distinct district tribunals.<sup>1</sup> In each of the latter he established a Chambre de Justice, composed of no more than 7 nor less than 5 officers of the Militia. The latter were to arrange among themselves their turns of duty. Each court sat every 15 days, and an appeal lay to three Councils of British officers which sat for this purpose on the 20th of every month at Montreal, Varennes and St-Sulpice. From these Councils a final appeal lay to the Governor himself. Provision was also made to ensure that the judgments of the five Courts and the Governor's ordinances (both issued in French) would be adequately preserved.

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<sup>1</sup>Text of ordinance quoted in Doutre and Lareau, op. cit., pp. 503-4.



1.22      This system of justice receives royal approval.

The King approved of the general system of justice and administration established by Amherst at Montreal and Trois-Rivières and by Murray at Quebec . This approval was conveyed through the Earl of Egremont, the Secretary of State, in a dispatch to Amherst, dated December 12, 1761<sup>1</sup>. This letter is noteworthy for its enjoinder that the Governors were to issue strict orders to British personnel forbidding them to insult the language, dress, customs and country of the inhabitants.

1.23      Improvements at Trois-Rivières.

On May 8, 1762, Governor Burton was relieved temporarily of the administration of Trois-Rivières in order to return to the army. His successor was Frederic Haldimand, a Swiss infantry colonel in the service of the British army. Haldimand published an ordinance on June 5, 1762 whereby the Government of Trois-Rivières was divided for the purposes of the administration of justice

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<sup>1</sup>Doutre and Lareau, op. cit., p. 503.

1. The first part of the document is a letter from the President of the United States to the Congress.

2. The second part is a report from the Secretary of the Treasury on the state of the Union.

3. The third part is a report from the Secretary of the Navy on the state of the Navy.

4. The fourth part is a report from the Secretary of the War on the state of the War.

5. The fifth part is a report from the Secretary of the Interior on the state of the Interior.

6. The sixth part is a report from the Secretary of the Agriculture on the state of the Agriculture.

7. The seventh part is a report from the Secretary of the Commerce on the state of the Commerce.

8. The eighth part is a report from the Secretary of the Education on the state of the Education.

9. The ninth part is a report from the Secretary of the Health on the state of the Health.

10. The tenth part is a report from the Secretary of the Labor on the state of the Labor.

11. The eleventh part is a report from the Secretary of the Finance on the state of the Finance.

12. The twelfth part is a report from the Secretary of the Justice on the state of the Justice.

13. The thirteenth part is a report from the Secretary of the State on the state of the State.

14. The fourteenth part is a report from the Secretary of the War on the state of the War.

15. The fifteenth part is a report from the Secretary of the Navy on the state of the Navy.

16. The sixteenth part is a report from the Secretary of the Interior on the state of the Interior.

17. The seventeenth part is a report from the Secretary of the Agriculture on the state of the Agriculture.

18. The eighteenth part is a report from the Secretary of the Commerce on the state of the Commerce.

19. The nineteenth part is a report from the Secretary of the Education on the state of the Education.

20. The twentieth part is a report from the Secretary of the Health on the state of the Health.

into four districts<sup>1</sup>. In each district he established Chambres d'Audience, consisting of a body of 3 to 5 Militia officers of whom the president was to be a captain. Article 9 of this ordinance ensured that adequate records would be maintained by establishing assistance similar to that in Montreal:

" Chacune des chambres aura un écrivain qui sera nommé à cet effet et dont les émoluments seront fixés par nous, et affichés dans l'intérieur de la chambre d'audience. Chaque écrivain aura soin de tenir pour la chambre à laquelle il est attaché un Registre numéroté par première et dernière page et paraphé à chaque page d'un des capitaines de la chambre, dans laquelle seront enregistrés tous les Jugements de la dite chambre, et les Ordonnances de Justice et de Police qui seront par nous rendues."

1.24 Promulgation of ordinances in the French language.

Apart from the administration of justice, the ordinances which governed the life of the Colony were promulgated in French, so that the populace would understand them. On this task the Governors were aided by their French-speaking secretaries who drafted the ordinances. Evidence of the attention given to communication

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<sup>1</sup>Doutre and Lareau, op. cit., p. 517.



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with the inhabitants in their own language may be found in a letter written on January 30, 1762 by Bruyère, the secretary at Trois-Rivières to the local Militia captains<sup>1</sup>. In it he forbade the coureursdes côtes to traffic in the parishes without written permission from the Governor or the secretary. The letter concluded by saying:

" Vous ferez attention que s'il est ici donné des permissions pour aller dans les paroisses, elles seront données en français, et que si les dits coureurs des côtes vous produisent une permission en anglais de M. Murray ou de son secrétaire, et que la dite permission soit apostillée de moi pareillement en anglais, cette apostille contient une défense de trafiquer et non pas une permission."

1.25      Quebec Official Gazette.

On June 21, 1764, the Quebec Official Gazette was published for the first time. This newspaper, the property of Messrs. Brown and Gilmore, printers, appeared in both English and French. Apart from news and editorial content, the Gazette contained from the beginning

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<sup>1</sup>Doutre and Lareau, op. cit., p. 510.

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ordinances and proclamations in both languages. This newspaper still exists, as the official organ for the publication of public notices and subordinate legislation in the province of Quebec.

1.26      Notaries recognized.

The conquerors found practising notaries in the province and apparently recognized the need for them. In fact, it even appointed about a dozen new notaries while maintaining the old ones in their offices<sup>1</sup>.

1.27      Conclusions.

Obviously, the continued use of French in the administration of justice of the conquered colony was never in question during this period of military rule. The courts of first instance at Trois-Rivières and Montreal were presided over by respected Canadiens, speaking the language of the parties. It is true that in the Superior Court and Council at Quebec consisted of British army officers, but at least the

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<sup>1</sup> cf., Vachon, Andre, Histoire Du Notariat Canadien, Quebec, 1962, p. 54.





majority of the latter knew French, and the principal legal officers at Quebec were two of the most prominent local lawyers of the day. Moreover, the presence of a French-speaking secretary enabled suitors to draft their proceedings in their mother tongue. The Quebec court, as did the courts in Montreal and Trois-Rivières, had French clerks, bailiffs and officials. Except when both parties to a suit spoke English as their native tongue, proceedings were conducted almost entirely in French.<sup>1</sup> Moreover, the courts during the military regime applied existing French laws, the records of which had remained in the colony according to the terms of the Articles of Capitulation of Montreal. The jurisprudence of the military regime bears witness to the scrupulous attention given to the language rights of the inhabitants. The military regime, however, ended on August 10, 1764, when Murray published his Commission as Captain-General and Governor-in-Chief of the Province of Quebec. In the meantime, although neither the

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<sup>1</sup>Burt, A.L. The Old Province of Quebec, Minneapolis, 1933, p. 35.



Articles of Capitulation nor the definitive Treaty of Peace, nor any Orders of the colonial administrators gave French any official status, French had in fact received considerable recognition in the administration of justice.



2. CIVIL GOVERNMENT (1763-74).

1.28 Uncertainty of the Military Regime.

During the four years following the Conquest and prior to the signing of the definitive treaty of peace the political future of Canada remained uncertain. The British military officers entrusted with the administration of the new colony were unaware of the mother country's intention with regard to the new possession. They served in the main as an occupying force until the royal pleasure as to the fate of Canada should be known. Consequently they were as prudent as possible in the administration of the affairs of the colony and did their best not to antagonize the Canadian population. Instead of overturning the existing system of laws, which they in any case lacked the authority to do, they maintained the status quo. During the four years of the military regime, the Seignorial Courts established at Montreal and Trois-Rivières and the Military Court at Quebec decided cases between the inhabitants according to the laws and ancient customs of the country



# THE HISTORY OF THE

## REPUBLIC OF THE UNITED STATES

The history of the Republic of the United States is a story of growth, struggle, and achievement. From the first European settlements to the present day, the nation has evolved through a series of challenges and triumphs. The early years were marked by the struggle for independence from British rule, a struggle that culminated in the signing of the Declaration of Independence in 1776. The new nation then faced the task of establishing a stable government, a task that was completed with the signing of the Constitution in 1787. The years following the Constitution were a period of rapid growth and expansion, as the nation's territory increased and its population grew. This growth was accompanied by a series of wars, including the Revolutionary War, the War of 1812, and the Civil War. The Civil War, in particular, was a defining moment in the nation's history, as it resolved the issue of slavery and established the principle of equal rights for all citizens. The years following the Civil War were a period of reconstruction and progress, as the nation worked to rebuild itself and address the needs of its growing population. The late 19th and early 20th centuries were a period of rapid industrialization and technological advancement, which led to the nation's emergence as a world power. This period was also marked by a series of social and political movements, including the Progressive Movement and the Women's Suffrage Movement. The 20th century has been a period of continued growth and change, as the nation has faced a series of global challenges, including the two world wars and the Cold War. Today, the United States remains a leading power in the world, and its history continues to shape its identity and future.

and not according to English law or equity. This policy of leniency and solicitousness was to change when the British acquired definitive control of Canada by the terms of the treaty of peace.

1.29      The 1763 Treaty of Paris.

The definitive treaty of peace between Great Britain, France and Spain was concluded at Paris on February 10, 1763. The treaty was drafted in French. Article 4 provided for the full cession of Canada to Great Britain and recognized the liberty of the Roman Catholic religion among His Majesty's new Canadian subjects as far as the laws of England permitted and allowed the withdrawal of French colonists desirous of returning to France. The text of the article reads as follows:

"Sa Majesté Très Chretienne renonce  
à toutes les Pretensions, qu'Elle a  
formées autrefois, ou pût former, à  
la Nouvelle Ecosse, ou l'Acadie, en  
toutes ses Parties, & la garantit toute  
entière, & avec toutes ses Dépendances,  
au Roy de la Grande Bretagne. De plus,  
Sa Majesté Très Chretienne cède & garantit  
à Sa dite Majesté Britannique, en toute  
Propriété, le Canada avec toutes ses  
Dépendances, ainsi que l'Isle du Cap  
Breton, & toutes les autres Isles, &  
Côtes, dans le Golphe & Fleuve St.  
Laurent, & generalement tout ce qui



depend des dits Pays, Terres, Isles, & Côtes, avec la Souveraineté, Propriété, Possession, & tous Droits acquis par Traité, ou autrement, que le Roy Très Chretien et la Couronne de France ont eus jusqu'à présent sur les dits Pays, Isles, Terres, Lieux, Côtes, & leurs Habitans, ainsi que le Roy Très Chretien cède & transporte le tout au dit Roy & à la Couronne de la Grande Bretagne, & cela de la Maniere & de la Forme la plus ample, sans Restriction, & sans qu'il soit libre de revenir sous aucun Pretexte contre cette Cession & Garantie, ni de troubler la Grande Bretagne dans les Possessions susmentionnées. De son Coté Sa Majesté Britannique convient d'accorder aux Habitans du Canada la Liberté de la Religion Catholique; En Consequence Elle donnera les Ordres les plus precis & les plus effectifs, pour que ses nouveaux Sujet Catholiques Romains puissent professer le Culte de leur Religion selon le Rit de l'Eglise Romaine, en tant que le permettent les Loix de la Grande Bretagne - Sa Majesté Britannique convient en outre, que les Habitans Francois ou autres, qui auroient eté Sujets du Roy Très Chretien en Canada, pourront se retirer en toute Sûreté & Liberté où bon leur semblera, et pourront vendre leurs Biens, pourvû que ce soit à des Sujets de Sa Majesté Britannique, & transporter leurs Effets, ainsi que leurs Personnes, sans être gênés dans leur Emigration, sous quelque Pretexte que ce puisse être, hors celui de Dettes ou de Procés criminels; Le Terme limité pour cette Emigration sera fixé à l'espace de dix huit





Mois, à compter du Jour de l'Echange des Ratifications du present Traité."<sup>1</sup>

1.30      Resultant hardening in Board of Trade policies towards Canada.

Once Canada was definitively secured as a British possession by the terms of the Treaty of Paris, the lenient policy of the Board of Trade changed. A plan of consolidation and assimilation was embarked upon. Canada was to become in fact as well as in law a British colony. This intention is evident from the text of a letter dated June 8, 1763 from the Lords of Trade to the Earl of Egremont, one of his Majesty's principal Secretary of State:

" It is obvious that the new Government of Canada, thus bounded, will, according to the Reports of Generals Gage, Murray and Burton, contain within it a very great number of French Inhabitants and Settlements, and that the Number of such Inhabitants must greatly exceed, for a very long period of time, that of Your Majesty's British and other Subjects who may attempt Settlements, even supposing the utmost Efforts of Industry on their part either

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<sup>1</sup>Constitutional Documents, pp. 99-100; The English text of this article is to be found at pp. 115-116. Italics ours.



in making new Settlements, by clearing of Lands, or purchasing old ones from the ancient Inhabitants, From which Circumstances, it appears to Us that the Chief Objects of any new Form of Government to be erected in that Country ought to be to secure the ancient Inhabitants in all the Titles, Rights, and Privileges granted to them by Treaty, and to increase as much as possible the Number of British and other new Protestant Settlers, which Objects We apprehend will be best obtain'd by the Appointment of a Governor and Council under Your Majesty's immediate Commission & Instructions.

It will however be necessary that a large military Force be kept up 'till the number of British Inhabitants and new Settlers be very considerably increased, as well to secure the Obedience and Fidelity of the ancient French Inhabitants as to give full Protection & Security to the new British Settlers."<sup>1</sup>

This policy of consolidation and assimilation was approved by the King as is evidenced by a letter of July 14, 1763 from Egremont to the Lords of Trade to that effect.<sup>2</sup>

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<sup>1</sup>Constitutional Documents, pp. 142-43. Italics ours

<sup>2</sup>id., p. 148.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed.

3. The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the findings of the research. The data shows a clear trend in the relationship between the variables studied.

4. The fourth part of the document discusses the implications of the findings and provides recommendations for future research. It suggests that further studies should be conducted to explore the underlying mechanisms of the observed phenomena.

5. The fifth part of the document is a conclusion that summarizes the main points of the study. It reiterates the importance of the research and the need for continued investigation in this field.

6. The sixth part of the document is a list of references that cites the works of other researchers in the field. It provides a comprehensive overview of the current state of knowledge on the topic.

7. The seventh part of the document is an appendix that contains additional information related to the study. It includes a list of abbreviations and a glossary of terms used throughout the document.

8. The eighth part of the document is a final section that provides a brief overview of the entire document. It serves as a summary of the key findings and conclusions.

1.31      Royal Proclamation of October 7, 1763 introducing English law.

The assimilationist policies of the Board of Trade were given legal expression in the Proclamation of King George III of October 7, 1763 which established four colonial Governments in North America:- Ouebec, East Florida, West Florida, and Granada. In all these colonies, an English system of government and laws was to prevail. The Proclamation stated:

".....given express Power and Direction to our Governors of our Said Colonies respectively, that so soon as the state and circumstances of the said Colonies will admit thereof, they shall, with the Advice and Consent of the Members of our Council, summon and call General Assemblies within the said Governments respectively, in such Manner and Form as is used and directed in those Colonies and Provinces in America which are under our immediate Government; and We have also given Power to the said Governors, with the consent of our Said Councils, and the Representatives of the People so to be summoned as aforesaid, to make, constitute, and ordain Laws, Statutes, and Ordinances for the Public Peace, Welfare, and good Government of our said Colonies, and of the People and Inhabitants thereof, as near as may be agreeable to the Laws of England, and under such Regulations and Restrictions





as are used in other Colonies; and in the mean Time, and until such Assemblies can be called as aforesaid, all Persons Inhabiting in or resorting to our Said Colonies may confide in our Royal Protection for the Enjoyment of the Benefit of the Laws of our Realm of England; for which Purpose We have given Power under our Great Seal, to the Governors of our said Colonies respectively to erect and constitute, with the Advice of our said Councils respectively, Courts of Judicature and public Justice within our Said Colonies for hearing and determining all Causes, as well Criminal as Civil, according to Law and Equity, and as near as may be agreeable to the Laws of England, with Liberty to all Persons who may think themselves aggrieved by the Sentences of such Courts, in all Civil Cases, to appeal, under the usual Limitations and Restrictions, to Us in our Privy Council."<sup>1</sup>

1.32      Instructions to Murray: exclusion of Canadians from judiciary and religious assimilation.

General James Murray was commissioned as Governor in Chief of the Province of Quebec on November 21, 1763. By the terms of the Commission, Murray was empowered to call an assembly of the freeholders. However, because

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<sup>1</sup>Constitutional Documents, p. 165. Italics ours.



the Commission required the members of such assembly to make and subscribe a declaration against popery, which was a prerequisite under the terms of An Act for preventing Dangers which may happen from Popish Recusants passed in the 25th year of the reign of King Charles II, the Canadians, being Roman Catholics, were effectively barred from participation in the legislature.<sup>1</sup> The Commission also authorized Murray to establish Courts of Judicature. However, the same declaration against popery was required of persons appointed to these Courts. The effect was to exclude Canadians<sup>2</sup>. A lengthy set of Instructions issued on December 7, 1763 accompanied the Commission to Murray. Article 2 of the Instructions authorized Murray to establish an Executive Council to aid him in the administration of the Province. However, the effect of article 3 of these Instructions was to bar Canadian participation in the Executive Council as

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<sup>1</sup>Constitutional Documents, pp. 174-175.

<sup>2</sup>Ibid., pp. 176-177.





well because the same oath was required. Article 16 empowered Murray to establish a system of judicature similar to that of the other English colonies in America. This foreshadowed the disbandment of the system of Militia Courts which has found no disfavour among the Canadians. A deliberate policy of religious assimilation found expression in article 33 of the Instructions:

" And to the End that the Church of England may be established both in Principles and Practice, and that the said Inhabitants may by Degrees be induced to embrace the Protestant Religion, and their Children be brought up in the Principles of it; We do hereby declare it to be Our Intention, when the said Province shall have been accurately surveyed, and divided into Townships, Districts, Precincts or Parishes, in such manner as shall be hereinafter directed, all possible Encouragement shall be given to the erecting Protestant Schools in the said Districts, Townships and Precincts, by settling, appointing and allotting proper Quantities of Land for that Purpose, and also for a Glebe and Maintenance for a Protestant Minister and Protestant School-Masters; and you



are to consider and report to Us, by Our Commissioners for Trade and Plantations, by what other Means the Protestant Religion may be promoted, established and encouraged in Our Province under your Government."<sup>1</sup>

1.33      1764: Militia courts replaced.

Murray did not receive nor publish his Commission until August 4, 1764. It is therefore probable that although he was aware for a long time of the cession of Canada to England, he did not feel authorized to change anything in the administration of the country before having received instructions from the King and having published his commission. On August 4, 1764, the Civil and Criminal Court sat for the last time in Montreal. The Militia Courts, which were composed of Canadien officers, and were known as Chambres de Justice continued to sit until August 10, 1764. The Civil Courts

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<sup>1</sup>Constitutional Documents, pp. 191-192.



which replaced them were not established until September 17 of the same year, by the ordinance of that date.<sup>1</sup>

1.33      Ordinance of September 17, 1764: a new system of judicature established.

The full title of this ordinance was: "An Ordinance for regulating and establishing the Courts of Judicature, Justices of the Peace, Quarter-Sessions, Bailiffs, and other Matters, relative to the Distribution of Justice in this Province". Governor Murray and his Council accordingly established a system of civil and criminal judicature to replace the disbanded Militia Courts. The ordinance provided for three levels of courts.

a)      Three levels of courts. Firstly, it set up a Superior Court of Judicature, or Court of King's Bench sitting at Quebec and having power to hear and determine all criminal and civil cases agreeable to the

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<sup>1</sup>Doutre & Lareau, op. cit., p. 580.





laws of England and to the ordinances of the provinces. Secondly, it created an Inferior Court of Judicature, or Court of Common Pleas with power and authority to determine all civil suits of above the value of 10 pounds with the freedom of appeal to either party to the Court of King's Bench when the matter in dispute was 20 pounds or more. It is evident that this Court was established primarily for the benefit of the Canadians, for its judges were to determine according to equity, merely having regard to the laws of England as far as circumstances and the present situation of things would admit, "until such Time as proper Ordinances for the Information of the People can be established by the Governor and Council, agreeable to the laws of England."<sup>1</sup> Moreover, French laws and customs were to be allowed and admitted in all cases before this Court "between the Natives of this Province, where the Cause of Action

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<sup>1</sup>Constitutional Documents, p. 207.



arose before the first day of October, 1764". Thirdly, provision was made for the appointment of Justices of the Peace in each district. However, the requirement of an anti-popery declaration<sup>1</sup> prevented Canadians from filling such positions.

b) Exclusion of Canadians except from juries. Nevertheless, participation in the administration of justice was not the exclusive prerogative of the newly-arrived English-speaking citizens of the Province. Some concessions were made to French Canadians. Indeed, with respect to the Court of King's Bench the ordinance provided that :

" In all Tryals in this Court, all His Majesty's Subjects in this Colony to be admitted on Juries without Distinction."<sup>2</sup>

The effect of this provision was, of course, to allow French-speaking Canadian Roman Catholics to sit on juries in the Court of the King's Bench. According to

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<sup>1</sup> cf., s. 1.32

<sup>2</sup> Constitutional Documents, p. 206.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed.

3. The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the findings of the research. The data shows a clear trend of increasing activity over time.

4. The fourth part of the document discusses the implications of the findings. It suggests that the results have significant implications for the field of study and may lead to further research in this area.

5. The fifth part of the document provides a conclusion and summarizes the key points of the study. It reiterates the importance of accurate record-keeping and the need for ongoing research in this field.

6. The sixth part of the document includes a list of references and a bibliography. It cites various sources that have been consulted during the research process.

7. The seventh part of the document contains a list of appendices and supplementary materials. These include additional data, charts, and documents that provide further detail on the study.

8. The eighth part of the document is a list of figures and tables. It provides a clear and concise summary of the visual elements of the report.

9. The ninth part of the document is a list of footnotes and endnotes. It provides additional information and clarifications on specific points raised in the text.

10. The tenth part of the document is a list of acknowledgments. It expresses gratitude to the individuals and organizations that have supported the research and provided valuable feedback.



the laws of England only Protestants were permitted to so serve.

This innovation marked a departure from the Board of Trades policy of anglicization. Murray therefore felt that an elucidation was required. Accompanying the copy of this ordinance which was sent to the home government, were certain explanatory notes, in which Murray stated that his reasons for introducing various features. On the above-quoted provision his observation was as follows:

" As there are but Two Hundred Protestant Subjects in the Province, the greatest part of which are disbanded Soldiers of little Property and mean Capacity, it is thought unjust to exclude the new Roman Catholic Subjects to sit upon Juries, as such exclusion would constitute the said Two hundred Protestants perpetual Judges of the Lives and Property of not only Eighty Thousand of the new Subjects, but likewise of all the Military in the Province; besides if the Canadians are not to be admitted on Juries, many will Emigrate; This Establishment is therefore no more than a temporary Expedient to keep Things as they are



until His Majesty's Pleasure is known  
on this critical and difficult Point."<sup>1</sup>

Another exception favouring the French Canadians was the provision allowing Canadian advocates to practise in the Court of Common Pleas.

c) Canadian lawyers allowed. According to the Test Act then enforced in England, Roman Catholics were barred from membership in the legal profession. Governor Murray's observation on this provision of the ordinance was as follows:

" We thought it reasonable and necessary to allow Canadian Advocates and Proctors to practice in this Court of Common Pleas only (for they are not admitted in the other Courts) because we have not yet got one English Barrister or Attorney who understands the French Language."<sup>2</sup>

d) Canadian bailiffs allowed. Finally, the ordinance provided for the election of bailiffs in every district in the following words:

" It is Ordered....That the Majority of the Householdors, in each and every

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<sup>1</sup>Constitutional Documents, p. 206.

<sup>2</sup>id., p. 207.

Report of the Board of Directors of the  
University of California, 1900-1901

Presented to the Legislature at the Session of 1901

The Board of Directors of the University of California, during the year 1900-1901, has had the honor to receive from the Legislature the report of the Board of Regents, and to have the report of the Board of Regents read and discussed at the meeting of the Board of Directors held on the 10th day of January, 1901. The Board of Directors, in its report to the Legislature, has the honor to state that it has received from the Board of Regents a report which is full and complete, and which contains a full and complete statement of the affairs of the University of California, and of the progress of the work of the University during the year 1900-1901. The Board of Directors, in its report to the Legislature, has the honor to state that it has received from the Board of Regents a report which is full and complete, and which contains a full and complete statement of the affairs of the University of California, and of the progress of the work of the University during the year 1900-1901.

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Parish, do, on the Twenty-Fourth Day of June, in every Year, elect and return to the Deputy-Secretary, within fourteen Days after such Election, six good and sufficient Men to serve as Bailiffs and Sub-Bailiffs in each Parish, out of which Number the King's Governor, or Commander in Chief for the Time being, with the Consent of the Council, is to nominate and appoint the Persons who are to act as Bailiffs and Sub-Bailiffs in each Parish;"<sup>1</sup>

Canadians were thus enabled to serve as bailiffs and sub-bailiffs even though they were prevented from serving on the bench.

e) Court of Common Pleas. The purpose of the Ordinance of September 17, was to introduce the laws of England into Canada and to establish a system of judicature as similar as possible to that prevailing in England. The exceptions to this intention only served to emphasize it. For instance, the Court of Common Pleas was established primarily for the Canadians. However, it is evident from Murray's dispatch to the home

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<sup>1</sup>Constitutional Documents, p. 208.





government that this was only a temporary matter. The Governor offered the following justification for the establishment of the Court of Common Pleas:

" Not to admit of such a Court until they can be supposed to know something of our Laws and Methods of procuring Justice in our Courts, would be like sending a ship to sea without a Compass; indeed it would be more cruel - the ship might escape. Chance might drive her into some hospitable Harbour, but the poor Canadians could never shun the Attempts of designing Men, and the Voracity of hungry Practitioners in the Law; they must be undone during the First Months of their Ignorance; if any escaped their Affections must be alienated and disgusted with our Government and Laws."

.....

" It is necessary to Observe that the few British Traders living here, of which not above Ten or Twelve have any fixed Property in this Province, are much dissatisfied because we have admitted the Canadians on Juries; the Reason is evident, their own Consequence is thereby bounded. But the Practitioners in the English Law have probably put them out of Humour with the Court of Common Pleas (which they are pleased to call unconstitutional)."<sup>1</sup>

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<sup>1</sup>Buchanan, G.E., The Bench and Bar of Lower Canada down to 1850, Montreal, 1925, p. 11.



1.34      Ordinance of September 17, 1764 intended to  
introduce English law.

By October 13, 1764, Chief Justice Gregory and Attorney-General Suckling had prepared all the new forms which were to be employed either before the Courts or in ordinary transactions before notaries. These forms have survived and they indicate that it was definitively intended to establish a procedure in the Colony which follows that in England.<sup>1</sup> Furthermore, the explanations given by Murray for the adoption of certain exceptional measures such as the admission of all inhabitants without distinction to juries in the Court of King's Bench and allowing Canadian lawyers to practise in the Court of Common Pleas, the wording of the Ordinance of September 17, and a subsequent ordinance, all indicate that whatever deference was given to French laws and language was intended to be merely temporary. These measures were meant to alleviate any hardships to the Canadians

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<sup>1</sup>Roy, G.E., "L'Ancien Barreau au Canada", (1897) 3 R.L., n.s. 257.

THE HISTORY OF THE  
REPUBLIC OF THE UNITED STATES

The history of the Republic of the United States is a story of growth and development. It begins with the first settlers who came to the New World in search of a better life. They found a land of opportunity and freedom, and they built a nation that has become a model for the world. The story of the Republic is a story of the struggle for freedom and justice, and it is a story that continues to this day. The Republic has grown from a small colony to a great nation, and it has become a leader in the world. The story of the Republic is a story of the American dream, and it is a story that has inspired millions of people around the world. The Republic has been built on the foundation of the principles of liberty, justice, and equality, and it has become a beacon of hope for all who seek a better life. The story of the Republic is a story of the American people, and it is a story that has shaped the course of history. The Republic has been a source of strength and inspiration for the world, and it has become a model for all nations. The story of the Republic is a story of the American spirit, and it is a story that will continue to inspire generations to come.



which might arise during the transitional period between the complete abolition of the former Canadian law and its replacement by English law, thereby facilitating the adaptation of the population to the new regime.

The Court of Common Pleas, a tribunal created especially for the Canadians, was enjoined to decide according to equity having regard nevertheless to the laws of England as far as circumstances would permit. Suitors were entitled to invoke Canadian Law, but only when the cause of action had arisen before the 1st of October, 1764.

The latter policy of clearing away the loose ends of the former regime of laws, to make way for the new was confirmed by two subsequent ordinances. On September 20, 1764, the Governor in Council issued An Ordinance For ratifying and confirming the Decrees of the several Courts and Justice established in the Districts



of Quebec, Montreal and Trois-Rivières, for the  
Establishment of Civil Government throughout this  
Province, upon the tenth Day of August, One Thousand  
Seven Hundred and Sixty-four." The ordinance provided :

" In Order to satisfy any Doubts which might arise, with Regard to the Decisions of the said Courts, and as far as may be, to prevent all vexatious Lawsuits, which might at present or hereafter arise therefrom, his Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's Council.....Doth hereby Ordain and Declare, That from the eighth Day of September, in the Year One Thousand Seven Hundred and Sixty, the Date of the Capitulation of Montreal, until the tenth Day of August last, from which Time Civil Government took Place throughout this Province, all Orders, Judgments, or Decrees of the Military Council of Quebec, and of all other Courts of Justice, in said Government, or in those of Montreal and Trois Rivières, do stand approved, ratified and confirmed, and shall have their full Force and Effect, except in such Cases where the Value in Dispute exceeded the Sum of Three Hundred Pounds Sterling, when either Party may appeal to His Majesty's Governor and Council of the Province, provided such

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<sup>1</sup>Ordinances of the Governor and Council of the Province of  
Quebec, 1764-67, Brown and Gilmore, Quebec, 1767, p. 16.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the specific procedures and protocols that must be followed when conducting financial transactions. This includes details on how to properly record income, expenses, and assets, as well as the required documentation for each type of transaction.

3. The third part of the document provides a comprehensive overview of the organization's financial statements, including the balance sheet, income statement, and cash flow statement. It explains how these statements are prepared and how they are used to assess the organization's financial health and performance.

4. The fourth part of the document discusses the role of the finance department in the organization's overall strategic planning and decision-making process. It highlights the importance of providing accurate and timely financial information to management and the board of directors to support their decision-making.

5. The fifth part of the document outlines the organization's policies and procedures regarding budgeting and financial control. It describes how the budget is developed and how it is used to monitor and control the organization's financial activities.

6. The sixth part of the document discusses the organization's approach to risk management, particularly in the context of financial risk. It describes the various risks that the organization faces and the strategies that are used to identify, assess, and mitigate these risks.

7. The seventh part of the document provides a summary of the key findings and recommendations of the financial audit. It highlights the areas where the organization's financial practices are strong and the areas where improvements are needed.

8. The eighth part of the document provides a list of references and sources used in the preparation of the document. This includes books, articles, and other documents that provide information on financial management and accounting practices.

Appeal be lodged with the Clerk, or Deputy-Clerk, of His Majesty's Council of Quebec, within two Months after the Publication hereof, and sufficient Security is given by the Appellant, to pay all such Costs and Charges as shall be awarded thereon, if the Decree is affirmed; and from the Governor and Council an Appeal lies to the King and Council, where the Value in Dispute amounted to the Sum of Five Hundred Pounds Sterling or upwards, the Appellant giving sufficient Security as aforesaid, if the Decree is affirmed."<sup>1</sup>

The second ordinance passed on November 6, 1764, was entitled An Ordinance to quiet the Spirits of the People with regard to the Possession of their Property. It provided the questions of real property in general and of successions should remain subject to the custom of the country until August 10, 1765.<sup>2</sup> On the foregoing factors it is reasonable to conclude that the colonial administration wished to introduce the whole of English law into the Province of Quebec, despite any temporary concessions that may have been made to the French Canadians.

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<sup>1</sup>Morel, André, "La Reaction des Canadiens devant l'Administration de la Justice, de 1764 à 1774" (1960) 20 R. du B. 53 at 55.



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1.35      Provision for publication of Ordinances.

On October 3, 1764 Murray and his Council passed An Ordinance, Declaring what shall be deemed a due Publication of the Ordinances of the Province of Quebec. The ordinance, which we quote in its entirety provided as follows:

" Where it is highly necessary and expedient, That the several Ordinances made in this Province should be duly published and made known to all His Majesty's loving Subjects within the same; And whereas publishing in the Quebec Gazette has been found the most convenient and expeditious Method of conveying to the Knowledge of the Publick, all such Matters and Things as have been, or may be thought proper to communicate to them:

His Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's Council, and by Virtue of the Power and Authority to him given, by His Majesty's Letters Patent, under the Great Seal of Great-Britain, hath thought fit to Ordain and Declare,

That the publick Reading of any Ordinance of this Province, by the Provost-Marshal or his Deputy, in the three principal Towns of the said Province, to wit: Quebec, Montreal and Trois-Rivières,

# THE HISTORY OF THE UNITED STATES

OF THE UNITED STATES OF AMERICA  
FROM 1776 TO 1876  
BY JAMES M. SMITH  
PUBLISHED BY THE UNITED STATES GOVERNMENT PRINTING OFFICE  
WASHINGTON, D. C.

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after Notice by Beat of Drum, and the publishing the same in the Quebec-Gazette, shall be deemed a sufficient Publication thereof.

And all Ordinances heretofore, or which hereafter may be published in that Manner, are hereby Declared to be in Force accordingly, from the Time of such Publication.<sup>1</sup>

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<sup>1</sup>Ordinances of the Governor and Council of the Province of Quebec, 1764-67, Brown and Gilmore, Quebec, 1767, pp. 11-12. Italics ours.

THE  
FEDERAL  
BUREAU OF  
INVESTIGATION  
UNITED STATES  
DEPARTMENT OF JUSTICE

REPORT OF THE  
FEDERAL BUREAU OF INVESTIGATION  
ON THE  
ACTS OF  
TERRORISM  
AND  
OTHER  
CRIMES  
COMMITTED  
BY  
THE  
BLACK PANTHER PARTY  
IN  
THE  
UNITED STATES  
OF AMERICA



1.36      Practice and Procedure in the Courts.-

In all proceedings carried on in the Court of King's Bench the forms of actions, the style of pleading, the method of trial and the rules of evidence were as prescribed by the English Law. In the Court of Common Pleas, however, the proceedings were drawn up in any form and style that the parties or their lawyers thought fit, sometimes in French and sometimes in English, depending on the language of the lawyer, who prepared them. They were most often in the French language, since most of the business in the Courts of Common Pleas was carried on by Canadian advocates.

1.37      The first Canadian Lawyers.-

Under the French Regime those who wished to be admitted to the exercise of a public office had to undergo what was called "l'information de vie et moeurs". This was a kind of inquiry which the Judge of the Prévôté or the Superior Council made into the conduct of the applicant. It was also necessary for the candidate to prove his Catholicism and to produce a bill of confession from his cûré. Under the British regime the necessity for a bill of confession was of course eliminated, as was "l'information de vie et moeurs", but those who wished to become either lawyers or notaries were required to swear test oaths against the pope and transubstantiation. This would have excluded all French-speaking inhabitants of the colony from a legal career. However, under the mitigating influence of Murray,



Canadians were admitted to practise before the Court of Common Pleas.<sup>1</sup> On March 21st, 1765 the following notice appeared in the Quebec Gazette:

"Le public est averti que les Messieurs Le Maître La Morille et Saillant, notaires publics à Québec, Guillemain et le Brun, qui ont été reçus à la Cour Supérieure des plaids communs de la Province de Québec, à la séance du 29 janvier dernier, auquel jour ils ont prêté serment en cette qualité, ont obtenu leurs licences, en date du 14 mars présent mois, de Sa Très Honorable Excellence le Gouverneur en Chef de la dite Province de Québec, enregistrées au greffe de la dite cour, le 15 du dit mois, pour faire toutes fonctions de procureur et avocat dans la dit cour, qu'ils ont seuls le droit d'avocasser, signer les requêtes, faire toutes ventes et licitations ordonnées par justice, suivant les règlements et taxes qui en seront faites par la dite cour. En outre, M. Saillant, un des avocats, avertit le public que M. Guillemain, son confrère, pendant son absence se chargera des affaires que le public lui a confiées, et que l'on s'adressera à lui notamment pour les licitations des emplacements et maisons de Madame La Ronde et du sieur la Palme." <sup>2</sup>

It is under this commercial notice that we note for the first time the official existence of the legal profession in Canada. It seems, moreover, that the foregoing type of self-advertisement was customary at that time. The Quebec Gazette of January 26, 1767 contains an announcement of the same sort:

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1. Roy, J.E., op.cit., p. 267.  
2. id., p. 258.

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1000 University of Chicago Press  
Chicago, Illinois 60607-7099  
U.S.A. and Canada  
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"Le public est averti qu'il a plu à Son Excellence le Gouverneur pourvoir d'une licence d'avocat Jacques Pinguet, fils, pour exercer dans toutes cours et conseils en cette province. Il prie ceux qui auront confiance en lui de se persuader de son exactitude à remplir les devoirs de sa profession. Il demeure chez son père, rue des jardins." <sup>1</sup>

G. E. Buchanan in his book entitled "The Bench and Bar of Lower Canada" gives a list of the first lawyers to be admitted to the Bar of Quebec.<sup>2</sup> They were: Pierre Mezière, and Pierre Pante in 1765, and subsequently William Conyngham; John Burke, Arthur Davidson, Antoine Foucher, Guillaume Guillemain, Edward William Grant, Thomas Hall, Henry Kneller, Jean Baptiste Lebrun de Duplessis, Antoine Jean Saillant, Edward Antill, Thomas Locke, Valentin Joutard, J.O. Olry, Jacques Pinguet, J. F. Cugnet, Michel Amable d'artigny Berthelot, Alexandre Dumas, John Reid, Isaac Ogden, Duncan McDonald, Louis Charles Foucher, Walter Roe, John Antill, Jonathan Sewell, Jr., Pierre Bédard, Jr., Jacob Oldham, Robert Russell, Stephen Sewell, James Reid, Joseph Bédard, Pierre Vézina, Charles Stuart, Charles Thomas, James Walker, James Kerr, Thomas Walker, Narcisse Pant, etc. Out of 40 names cited, 16 are French.

1.38      Notaries continued to practise.-

It is not clear whether the notarial profession was

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1.      id., p. 258.

2.      op.cit., p. 22-3.



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abolished during this period. What is known, however, is that it continued de facto. Its existence was endangered by the abolition of French law and by the requirements of the Test Act. At the beginning the authorities tolerated the notaries but eventually they recognized them officially by commissioning new notaries.<sup>1</sup>

1.39      Objections of English merchants to Ordinance of  
September 17, 1764.-

Surprisingly it was not the Canadiens who reacted most vociferously to the regime introduced by the Proclamation of 1763 followed by the Ordinance of September 17, 1764. Rather it was the parvenu English merchant class who were of very small minority in comparison to the native population. They strongly objected to those few concessions which had been made to the Canadians in order to allow them to adjust to the new system of judicature, and they favoured an uncompromising policy of anglicization. General Murray remarked of their reaction that:

"It is necessary to Observe that the few British Traders living here, of which not above Ten or Twelve have any fixed Property in this Province, are much dissatisfied because we have admitted the Canadians on Juries; the Reason is evident, their own Consequence is thereby bounded. But the Practitioners in the English Law have probably put them out of Humour with the Court of Common Pleas (which they are pleased to call unconstitutional)"<sup>2</sup>

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1. Vachon, op.cit., pp. 60-61.
2. Buchanan, op.cit., p. 11.



The discontent of the English-speaking element took the form of an organized formal protest, expressed in the Presentments of the Protestant Grand Jurors of Quebec, made on October 16, 1764.<sup>1</sup> In Article 9 of these presentments the signatories purported to be the only representative body of the Colony with a right to pass prior approval on any ordinance before it was made law. This article stated,

" We represent that as the Grand Jury must be consider'd at present as the only Body representative of the Colony, they, as British Subjects, have a right to be consulted, before any Ordinance that may affect the Body that they represent, be pass'd into a Law, And as it must happen that Taxes be levy'd for the necessary Expences or Improvement of the Colony in Order to prevent all abuses & embezlements or wrong application of the publick money."<sup>2</sup>

And in Article 12 they claimed that the Ordinance of September 17 was in part unconstitutional:

"The Ordinance made by the Governor and Council for establishing Courts of Judicature in this province is grievous and some Clauses of it, We apprehend to be unconstitutional, therefore it ought forthwith to be amended to prevent his Majesty's Subjects being aggrieved any longer thereby."<sup>3</sup>

In the same document the Protestant Grand Jurors made a lengthy objection to the allowance of Canadian Lawyers and jurors in the Courts of this Province. This objection was expressed as follows:

- 
1. Quoted in full in Constitutional Documents, pp. 212 et seq.
  2. Constitutional Documents, p.213.
  3. id., p.212.





"That. Among the many grievances which require redress this seems not to be the least, that persons professing the Religion of the Church of Rome do acknowledge the supremacy and jurisdiction of the Pope, and admit Bulls, Briefs, absolutions &c from that see, as Acts binding on their Consciences, have been unpannell'd, en Grand and petty Jurys even where Two protestants were partys, and whereas the Grand Inquest of a County City or Borough of the Realm of Great Britain, are obliged by their Oath to present to a Court of Quarter Sessions or assises, what even appears an open violation of the Laws and Statutes of the Realm, any nuisance to the subjects or Danger to his Majesty's Crown and dignity and Security of his Dominions. We therefore believe nothing can be more dangerous to the latter than admitting such persons to be sworn on Jurys, who by the Laws are disabled from holding any Office Trust or Power, more especially in a Judicial Capacity, with respect to which above all other, the Security of this majesty, as to the possession of this Dominions and of the subjects as to his Liberty, property and Conscience is most eminently Concern'd.

That. By the Definitive Treaty the Roman Religion was only tolerated in the province of Quebec so far as the Laws of Great Britain admit, it was and is enacted by the 3rd Jams 1st Chapr 5th Section 8th no papist or popish Recusant Convict, shall practice "the Common Law, as a Councillor, Clerk, Attorney, or Sollicitor nor shall practice the Civil Law, as Advocate or proctor, nor practice physick, nor be an apothecary, nor shall be a Judge, Minister, Clerk or Steward of or in any Court, nor shall be Register or Town Clerk or other Minister or Officer in any Court, nor shall bear any office or charge, as Captain, Lieutenant, Serjeant, Corporal, or Antient Bearer or Company of Soldiers nor shall be Captain, Master, or Governor, or bear any office of Charge, of or in any Ship, Castle or Fortress, but be utterly disabled for the same, and every person herein shall forfeit one hundred pounds; half to the King and half to him that shall sue." We therefore believe that the admitting persons of the Roman Religion, who own the authority, supremacy and Jurisdiction of the Church of



Rome, as Jurors, is an open Violation of our most sacred Laws and Libertys, and tending to the utter sub-version of the protestant Religion and his Majesty's power authority, right and possession of the province to which we belong."<sup>1</sup>

In a later undated document, but probably drafted sometime after the former Presentments (since it obviously replies to criticisms directed at them), the Grand Jurors expanded on their objection to the indiscriminate commission of Canadians to King's Bench juries. We quote the text in its entirety for the opinions expressed in it foreshadow the demand for introduction into the Province of Quebec of tje jury de medietate linguae or mixed jury, an institution which has survived to the present day:<sup>2</sup>

"As the presentment made by the protestant members of the Jury, wherein the impannelling of Roman Catholicks upon Grand petty Juries, even where two protestants are the parties, is complained of. As this very presentment has been openly & ungenerously used as a handle to set his Majesty's old & new Subjects at variance in this province, we cannot help endeavour, g to set the public right in this particular in which they have been so grossly imposed on: What gave birth to this presentment was the following short, but pithy Paragraph, in the Ordinance of the 17th Day of Sept'r. last.

"In all Tryalls in this Court all his Majesty's Subjects in this Colony to be admitted on Juries without any distinction:" This is qualifying the whole province at once for an Office which the best & most sensible people in it are hardly able to discharge: It then occur'd to the Jury that was laying a Subjects life, liberty & property

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1. Ibid., pp.214-215.
  2. cf. Chapter V, passim.





too open, & that both old & new Subjects might be apprehensive of the consequence from the unlimited admission of Jurymen His Majesty's lately acquired Subjects cannot take it amiss, that his ancient subjects remonstrate ag't this practice as being contrary to the laws of the realm of England, the benefit of which they think have a right to, nor ought it to give offence when they demand that a protestant Jury should be impannelled when the litigating parties are protestants such were the real motives of the Presentment, and we can aver that nothing further was meant by the quotation from the Statute. That the subscribers of the presentment meant to remove every Roman Catholick from holding any office or filling any public employment is to all intents and purposes a most vile groundless insinuation & utterly inconsistent: Sentiments & intentions such as these we abhor, & are only sorry that principles do not allow us to admit Roman Catholicks as Jurors upon a cause betwixt two protestants; perhaps theirs hold us in the same light in a Case betwixt two Catholicks, and we are very far from finding fault with them, the same liberty that we take of thinking for ourselves we must freely indulge to others." 1

It is evident from the foregoing document that the Grand Jurors objected to the participation of Roman Catholic jurors in trials between Protestants and they conjectured that the Catholic inhabitants might have the same reservations like the participation of Protestant jurors in cases between themselves. These objections manifestly founded on religious considerations were quite probably

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1. Constitutional Documents, pp. 215-16.





based on linguistic grounds as well, for apart from whatever feelings of prejudice and intolerance they may have harboured, Grand Jurors most certainly would have wished to avoid the disadvantages attendant upon a jury's incomprehension of court proceedings.

1.40        Reply of the French inhabitants to the English  
merchants.-

The vigorous reply of the French-speaking Grand Jurors of Quebec to the presentments of their English-speaking colleagues is a noteworthy event in the legal history of bilingualism in Canada. The statement was made on October 26, 1764, and is an eloquent manifesto of linguistic and religious minority rights which are part of the very fabric of contemporary bilingualism and biculturalism. Of particular interest are the defence of the creation of the Court of Common Pleas as a tribunal in which French Canadians could express themselves in their own language, the assertion of the rights of French Canadians to participate in the administration of justice either as lawyers or as jurors in their own language, and the assertion of the right of those entrusted with the business of the Government to be informed in their own language of those subjects on which they must pass opinion. The French Grand Jurors also complained of having been misled by the Protestant Grand Jurors. We believe that the relevant portions of this important document deserve to be quoted fully:

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"STATEMENT BY FRENCH JURORS IN REFERENCE TO THE  
FOREGOING PRESENTMENTS.

Charrest, Amiot, Tachet, Boisseaux, Poney, Dumont, & Perrault nouveaux Sujets, Grand Jurés dans les districts de Québec ayant demandé à S. Ece en Conseil la Traduction en François de deux Délibérations faites en Anglois en la Maison du Trois Canons tous les Jurés Assemblée dont une signée 16ème Octobre présent Mois des requérants ainsi que des autres Jurés et l'autre Signée des Jurés Anciens Sujets entendant l'Anglois seulement; et les ayant obtenues, ils se sont cru obligés de dire la part qu'ils avoient dans les articles qui composent la première Délibération.

Ils commencent par dire qu'avant la Signature de cette Délibération il y avoit eu Plusieurs Assemblées, ou Il avoit été question de faire Plusieurs Coupons de Représentations sur des feuilles volantes et dont les requérants n'ont eu connoissance que d'une Partie et dont Plusieurs entre celles dont ils ont eu connoissance avoient été abattues et rejetées par les Requéranrs que de toutes les feuilles il fût fait un Précis indubitablement, et que lors qu'il fut fait, il nous fût offert pour le Signer sans qu'il nous fût interprété, mais seulement, lû en Anglois, que sur la Représentation qui fût faite par quelqu'uns de nous afin qu'il nous fût lû, il nous fut répondu que ce précis n'étoit que le Résumé, des Coupons des Articles proposés et Acceptés dans les Séances dernières et que le tems pressoit pour les Porter, et que c'étoit fort inutile.

Ils vont donc d'étailler la part qu'ils ont dans ces différents Articles qui composent cette Délibération.

1 Article. Non seulement nous n'avons eu aucune connoissance de cet Article, mais même nous nous serions opposé de toutes nos forces à cette proposition comme contraire aux intérêts des Colons nouveaux Sujets de S.M. et comme opposé au Sage Arrêt du Gouverneur et conseil qui voyant la nécessité d'établir une Jurisdiction ou les Nouveaux Sujets, pussent trouver un Azile pour y être jugés, de françois à françois suivant les Usages, Anciens, et dans leur Langue a été encore sollicité depuis par une Requête de nomme le Juge de cette Jurisdiction, et que les requérants avoient signés eux mêmes comme Citoyens; outre la facilité qu'ils auront à être Jugés dans cette Jurisdiction, ils gagneront plus de la moitié des frais.



THE HISTORY OF THE UNITED STATES OF AMERICA  
FROM 1789 TO 1861

The history of the United States from 1789 to 1861 is a story of growth and change. It begins with the signing of the Constitution in 1787, which established the framework for the new nation. The early years were marked by the struggle for a strong central government, as the states sought to balance their own interests with the needs of the country as a whole. The War of 1812, which ended in a technical draw, solidified the nation's independence and led to a period of national pride and expansion. The 1820s and 1830s saw rapid westward movement, driven by the desire for land and the promise of a better life. This period also witnessed the rise of the Jacksonian era, characterized by a focus on the common man and a more populist approach to government. The 1840s and 1850s were years of intense debate and conflict, particularly over the issue of slavery. The Missouri Compromise of 1820 and the Compromise of 1850 were attempts to balance the interests of free and slave states, but they ultimately failed to resolve the underlying tensions. The decade ended with the outbreak of the Civil War in 1861, which would ultimately lead to the abolition of slavery and the preservation of the Union.

The Civil War, which lasted from 1861 to 1865, was a pivotal moment in American history. It was a conflict that tested the nation's unity and its commitment to the principles of liberty and equality. The war was fought over the issue of slavery, which had long been a source of division between the North and the South. The North, which was more industrial and had a growing population of free people, opposed slavery. The South, which was more agricultural and relied heavily on slave labor, defended the institution. The war resulted in the death of over 600,000 men and the destruction of property worth billions of dollars. However, it also led to the passage of the Emancipation Proclamation in 1863, which declared that all slaves in the Confederate states were free. The war ended with the Union's victory in April 1865, and the signing of the 13th Amendment to the Constitution, which abolished slavery throughout the United States. The Reconstruction era that followed was a period of great challenge and opportunity, as the nation sought to rebuild and reunite itself. The 1860s and 1870s saw the rise of the Reconstruction era, which aimed to integrate the freed slaves into the nation's political and social life. The 1870s and 1880s were years of rapid industrialization and westward expansion, leading to the growth of the United States into a world power. The 1890s and 1900s saw the rise of the Progressive Era, which sought to address the social and economic problems of the industrial revolution. The 1910s and 1920s were years of great change, including the First World War and the rise of the New Deal. The 1930s and 1940s were years of crisis, including the Great Depression and the Second World War. The 1950s and 1960s were years of social and political upheaval, including the Civil Rights Movement and the Vietnam War. The 1970s and 1980s were years of economic growth and technological advancement, leading to the United States becoming a superpower. The 1990s and 2000s were years of global change, including the end of the Cold War and the rise of the World Trade Organization. The 2010s and 2020s have been years of great challenge, including the COVID-19 pandemic and the 2020 election.

The history of the United States is a story of resilience and achievement. It is a story of a nation that has overcome many challenges and has grown from a small colony to a world power. The United States has been a source of inspiration and hope for people around the world, and it continues to be a force for good in the world. The history of the United States is a testament to the power of the American dream and the values of liberty, justice, and equality. The United States has a rich and diverse heritage, and it is proud to be a part of it. The history of the United States is a story of a nation that has always been a force for good in the world, and it will continue to be so in the future.



2. 3. 4. Art<sup>es</sup> Nous n'avons point compris ces Articles si ils nous ont été interprétés, et nous ignorons ce qui ce passe dans les différentes Colonies nous n'avons eu garde de proposer aucuns Changemens de taillés dans ces Articles.

... 11. Nous n'avons point entendu tout cette Article ainsi qu'il est expliqué, nous avons même fait sentir, combien la Proposition de diminuer la Cour des Appels étoit préjudiciable à la Colonie, en ce que cela ouvriroit une vaste Carriere à des nouveaux procès; que les affaires passées avoient étéées jugées suivant la circonstance de Tems, et que les Preuves qui pourroient avoir servies aux jugemens pourroient ne plus exister, ce qui changeroit les Affaires de face; cependant Nous Signames sur ce qu'il l'on nous dit, que cet Article etoit soumis a la volonté du Gouverneur et de son Conseil; et le S. Tachet en fit la Restriction sur une feuille volante restée en depôt, et comme Minutte; nous n'avons point entendu d'ailleurs que l'on proposa de demande une si forte diminution sur les Appels, il n'etoit question que de demander seulement un Amendement.

12. Cet Article ne nous a pas étéé participé et nous jugeons qu'il n'a étéé proposé que par ce qu'il est dit dans cette ordonnance, que les Avocats Canadiens, nouveaux Sujets de S.M. pourroient exercer, cette ordonnance nous paroît d'autant plus equitable qu'il est naturel pour les nouveaux Sujets Canadiens de se servir de Personnes qu'ils entendent et de qui Ils Sont entendus, avec d'autant plus de Raisons qu'il n'y a pas un Avocat Anglois qui sçache la langue françoise, et avec lequel il ne falut un Interprete, qui ne rendroit presque jamais le vrai Sens de la Chose, d'ailleurs en quelques frais exorbitans ne se verroient pas constitué les Parties sans cette sage ordonnance qui fait la Tranquilité des familles.

... Nous concevons aisément qu'à fin d'éviter la Cacafone a l'avenir, que les Jurés Canadiens ne doivent donner leurs Sentiments qu'apres la Traduction en langue francoise des Objets sur lesquels on le leur demandera.

Par la connoissance que nous les G<sup>d</sup> Jurés Canadiens nouveaux Sujets de S.M<sup>te</sup> avons lû en langue francoise de la Representation que nos Confreres les Anciens Sujets grand Jurés, ait faits à la Cour de Seance, & deux Signée, aux fins de nous exclure de l'avantage de servir nous et les Notres, notre Patrie, et notre Roy; se faisant une Conscience de nous Croire inhabiles a Posseder aucun



employ, n'y même a repousser et combattre les Ennemies de S.M<sup>te</sup> nous representons la Dessus.

Que S. M<sup>te</sup> etant instruite que tous les Sujets qui composent cette Province, etoient Catholiques les a crûs habilles en la d. qualité a preter le Serment de Fidelité, et capable par cette Raison de pouvoir etres admis a être utiles à leur Patrie de la façon dont on les y croiroit propres, ce seroit mal penser de croire que les Canadiens Nouveaux Sujets ne peuvent servir leur Roy, ni comme Sergent, ni comme Officiers; ce seroit un Motif bien humiliant, et bien decourageant pour des Sujets libres et assoissés aux Avantages de la Nation, et au Prerogative, ainsy que s'en est expliqué S. M. nous avons depuis plus de six Mois des Officiers Canadiens Catholiques dans le pais d'Enhauts, et Nombre de Volontaires pour y aides a repousser les Ennemis de la Nation et celui qui s'expose librement a verser son Sang au Service de son Roy et de la Nation, ne peut il pas etre admis dans les charges ou il peut également servir la Nation et le Publique comme Juré, des qu'il est Sujet, le 3<sup>e</sup> de Jacques premier Chap. 5 Sec. 8 ne Regarde que les Catholiques qui pourroient veni dans le Royaume, et il n'y eut jamais de loix dans aucun Royaume sans exception, avoit preuve dans le tems que l'Angleterre assorieroit aux prerogatives de la Nation une Colonie de Catholiques, si nombreuse ou si en l'avoit prevu, la loix vouloit elle en faire des esclaves, nous pensons differement que nos Confreres; et si nous etions dans l'opinion ou ils sont, nous aurions assez de Confiance dans la Bonté du Roy pour croire qu'il accorderoit à tout le Nombreux peuple de cette Colonie le delai suffisant, pour en sacrifiant tous leurs biens, aller, Grater la Terre, dans desespoir, ou en les regardant comme Sujet, ils pourroient mettre leur Vie, et celle de leur Enfants à la Crie de l'injustice, ce qu'ils ne pourroient faire en restant icy, privés de Employs, ou charges en qualités de Jurés.

La Douceur d'un Gouvernement actuel nous a fait oublier nos pertes, et nous a attaché à S.M. et au Gouvernement, nos Confreres nous font envisager notre Etat comme celui d'Esclaves; les veritables et fideles Sujets du Roy peuvent ils le devinir.

Ce qui nous fait conclure aux Protestations que nous faisons contre nos Signatures de la deliberation du Seize du Courant, en tout ce qu'elles pourroient nous prejudicier.





fait a Quebec le 26<sup>e</sup> Octo<sup>r</sup> 1764."<sup>1</sup>

The claims of the French-speaking Grand Jurors were supplemented and reinforced by an address to King George III signed by 95 of the principal French-speaking inhabitants of Canada. The original document was sent to the King and was read on January 2, 1765. In this address the French Canadians complained about the introduction of English law into the Colony. They expressed their satisfaction with the administration of justice during the four years of the military regime, and their fears that the system to which they had grown accustomed would be swept away by a regime of laws expressed and administered in an unknown language. They complained about the inexpertness and greed of the English attorneys who were ignorant of their language and customs, and referred to the expense, confusion and injustice which would result from their being judged solely by English-speaking magistrates through the medium of an interpreter. They concluded their address by entreating the King to confirm the system of judicature which had been established by the Ordinance of September 17, 1764 for the benefit of the French, to allow Canadian notaries and advocates to continue their functions, and to permit Canadians to transact family

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1. Constitutional Documents, pp 216-219. An English translation of the document is found as an appendix in that volume.
  2. Constitutional Documents, pp.223-225. An English translation of this document is found in appendix of the volume.



THE HISTORY OF THE  
CITY OF BOSTON

FROM THE FIRST SETTLEMENT TO THE PRESENT TIME

IN THREE VOLUMES. THE FIRST VOLUME CONTAINS THE HISTORY FROM THE FIRST SETTLEMENT TO THE YEAR 1780. THE SECOND VOLUME CONTAINS THE HISTORY FROM THE YEAR 1780 TO THE YEAR 1800. THE THIRD VOLUME CONTAINS THE HISTORY FROM THE YEAR 1800 TO THE PRESENT TIME.

BY SAMUEL JOHNSON, ESQ. OF BOSTON. VOL. I. THE FIRST SETTLEMENT TO THE YEAR 1780.

THE HISTORY OF THE CITY OF BOSTON, FROM THE FIRST SETTLEMENT TO THE YEAR 1780. BY SAMUEL JOHNSON, ESQ. OF BOSTON. VOL. I. THE FIRST SETTLEMENT TO THE YEAR 1780.

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affairs in their own language and to follow their customs. Finally they asked the King to ensure that laws of the Colony be promulgated in the French language. We quote the relevant portions of this eloquent document:

" Au Roi

La véritable gloire d'un Roy conquérant est de procurer aux vaincus le même bonheur et la même tranquillité dans leur Religion et dans la Possession de leurs biens, dont ils jouissoient avant leur défaite: Nous avons joui de cette Tranquillité pendant la Guerre même, elle a augmentée depuis la Paix faite. Hé voilà comme elle nous a été procurée. Attachés à notre Religion, nous avons juré au pied du Sanctuaire une fidélité inviolable à Votre Majesté, nous ne nous en sommes jamais écartés et nous jurons de nouveau de ne nous en jamais écarter, fussions nous par la suite aussi malheureux que nous avons été heureux; mais comment pourrions nous ne pas l'être, après les Temoignages de bonté paternelle dont Votre Majesté nous a fait assurer, que nous ne serions jamais troublés dans l'exercice de notre Religion.

Il nous a paru de même par la façon dont la Justice nous a été rendue jusqu'à présent, que l'intention de Sa Majesté étoit, que les Coutumes de nos Peres fussent suivies, pour ce qui étoit fait avant la Conquête du Canada, et qu'on les suivit à l'avenir, autant que cela ne seroit point contraire aux Loix d'Angleterre et au bien général.

Monsieur Murray, nommé Gouverneur de la Province de Quebec à la satisfaction de tous les Habitans, nous a rendu jusques à present à la Tête d'un Conseil militaire toute la Justice que nous aurions pu attendre des personnes de Loi les plus éclairés; cela ne pouvoit être autrement; le Désintéressement et l'Equité faisoient la Baze de leurs Jugements.

Depuis quatre ans nous jouissons de la plus grande Tranquillité; Quel bouleversement vient donc nous l'enlever? de la part de quatre ou Cinq Persones de Loy, dont nous respectons le Caractère, mais qui



n'entendent point notre Langue, et qui voudroient qu'aussitôt qu'elles ont parlé, nous puissions comprendre des Constitutions qu'elles ne nous ont point encore expliquées et aux quelles nous serons toujours prêts de nous soumettre, lorsqu'elles nous seront connues; mais comment les Connoître, si elles ne nous sont point rendues en notre Langue?

De là, nous avons vu avec peine nos Compatriotes emprisonnés sans être entendus, et ce, à des fraix considérables, ruineux tant pour le débiteur que pour le Créancier; nous avons vu toutes les Affaires de Famille, qui se decidoient cy-devant a peu de frais, arrêtées par des Personnes qui veulent se les attribuer, et qui ne savent ny notre Langue ni nos Coutumes et à qui on ne peut parler qu'avec des Guinées à la Main.

. . . . .  
Notre Gouverneur à la Tête de son Conseil a rendu un Arrêt pour l'Etablissement de la Justice, par lequel nous avons vu avec plaisir, que pour nous soutenir dans la Décision de nos affaires de famille et autres, il seroit établi une Justice inférieure, où toutes les Affaires de François à François y seroient décidées; Nous avons Vu que par un autre Arrêt, pour eviter les Procès, les affaires cy-devant décidées seroient sans appel, à moins qu'elles ne soient de la Valeur de trois Cents Livres.

Avec la même Satisfaction que nous avons vu ces Sages Réglements avec la même peine avons nous vu que quinze Jurés Anglois contre Sept. Jurés nouveaux Sujets, leur ont fait souscrire des Grieffs en une Langue qu'ils n'entendoient point contre ces mêmes Réglements; ce qui se prouve par leurs Protestations et par leurs Signatures qu'ils avoient données la veille sur une Requête pour demander fortement au Gouverneur et Conseil la Séance de leur Juge, attendu que leurs Affaires en souffroient.

Nous avons vu dans toute l'amertume de nos Coeurs, qu'après toutes les Preuves de la Tendresse Paternelle de Votre Majesté pour ses nouveaux Sujets ces mêmes quinze Jurés soutenus par les Gens de Loy nous proscrire comme incapables d'aucunes fonctions dans notre Patrie par la difference de Religion; puisque jusqu'aux Chirurgiens et Apothicaires (fonctions libres en tout Pays) en sont du nombre.







Qui sont ceux qui veulent nous faire proscrire?  
Environ trente Marchands anglois , dont quinze  
au plus sont domiciliés, qui sont les Proscrits?  
Dix mille Chefs de famille, qui ne respirent, que  
la soumission aux Ordres de Votre Majesté, ou de  
ceux qui la représentent, qui ne connoissent point  
cette prétendue Liberté que l'on veut leur inspirer,  
de s'opposer à tous les Réglements, qui peuvent  
leur être avantageux, et qui ont assez d'intelligence  
pour Connoître que leur Interêt particulier les conduit  
plus que le Bien public-

En Effet que deviendrait le Bien Général de la  
Colonie, si ceux, qui en composent le Corps principal,  
en devenoient des Membres inutiles par la différence  
de la Religion? Que deviendrait la Justice si ceux  
qui n'entendent point notre Langue, ny nos Coutûmes,  
en devenoient les Juges par le Ministère des Interprètes?  
Quelle Confusion? Quels Frais mercenaires n'en  
résulteroient-ils point? de Sujets protégés par Votre  
Majesté, nous deviendrons de véritables Esclaves;  
une Vingtaine de Personnes, que nous n'entendons  
point, deviendroient les Maîtres de nos Biens et  
de nos Interets, plus de Ressources pour nous dans les  
Personnes de Probité, aux quelles nous avons recours  
pour l'arrangement de nos affaires de famille, et  
qui en nous abandonnant, nous forceroient nous mêmes  
à préférer la Terre la plus ingrate à cette fertile que  
nous possédons.

Ce n'est point que nous ne soyons prêts de nous  
soumettre avec la plus respectueuse obéissance à tous  
les Réglements qui seront faits pour le bien et  
avantage de la Colonie; mais la Grace, que nous  
demandons, c'est que nous puissions les entendre:  
Notre Gouverneur et son Conseil nous ont fait part  
de ceux qui ont été rendus, ils sont pour le Bien  
de la Colonie, nous en avons temoigné notre reconnaissance;  
et on fait souscrire à ceux qui nous représentent, comme  
un Mal, ce que nous avons trouvé pour un Bien!

1.41      Reluctance of French population to use the Courts.-

At first glance the statement of the French Grand Jurors  
and the address of the principal Canadian inhabitants to the



King might give the impression that the native population was content with the new regime of judicature and that it only sought to preserve jealously from abrogation those concessions which had been granted to it. However, it will be seen that in the Conclusion of the address to King George III the signatories requested the King to continue French-speaking advocates and notaries in their functions to allow Canadians to regulate their own family affairs and to follow their own customs. A perusal of private documents and court records of the period indicate that de facto the Canadians, especially in those areas which required the rule of English Law, continued to follow a form of self-made justice. Family matters, such as dower and succession were decided by resorting to their own notaries and lawyers instead of the tribunals. From a study of the court records for the 10 years preceeding the Quebec Act one may reasonably conclude that relative to their numbers the Canadians used the Courts established by the Ordinance of September 17, 1764 very infrequently; and that resort was had to these tribunals primarely on occasion wherein pre-Cession Law could be followed. Professor André Morel has called this reaction of the Canadians to the scheme of judicature during the civil regime a form of passive resistance.<sup>1</sup>

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1. op.cit., p.53

The first part of the report deals with the general situation of the country and the progress of the work during the year. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and a list of the names of the persons who have been engaged in the work.

The second part of the report deals with the financial statement of the year. It shows the income and expenditure of the organization and the balance of the funds at the end of the year. It also shows the details of the various projects and the amounts spent on each of them.

The third part of the report deals with the personnel of the organization. It gives a list of the names of the persons who have been engaged in the work during the year and a brief description of their duties. It also shows the names of the persons who have been elected to the various committees and the names of the persons who have been appointed to the various positions.

The fourth part of the report deals with the general remarks of the committee. It gives an account of the various projects and the results achieved and a list of the names of the persons who have been engaged in the work. It also shows the names of the persons who have been elected to the various committees and the names of the persons who have been appointed to the various positions.

The fifth part of the report deals with the general remarks of the committee. It gives an account of the various projects and the results achieved and a list of the names of the persons who have been engaged in the work. It also shows the names of the persons who have been elected to the various committees and the names of the persons who have been appointed to the various positions.

The sixth part of the report deals with the general remarks of the committee. It gives an account of the various projects and the results achieved and a list of the names of the persons who have been engaged in the work. It also shows the names of the persons who have been elected to the various committees and the names of the persons who have been appointed to the various positions.

The seventh part of the report deals with the general remarks of the committee. It gives an account of the various projects and the results achieved and a list of the names of the persons who have been engaged in the work. It also shows the names of the persons who have been elected to the various committees and the names of the persons who have been appointed to the various positions.

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1.42      Debate as to the extent of the introduction of English  
Law and suppression of French.-

The reaction of the two national groups to the introduction of the new regime set the stage for 10 years of sharp debate as to whether the laws of France had been entirely replaced by laws of England as a result of the Proclamation and Ordinance. Much ink was spilled by the colonial officials and advisers of the period in an attempt to settle the question. During the entire decade there never was an express official policy to abolish the use of the French language. However, it may be argued that as a result of the establishment of the English law relative to property and civil right the language of the native population would have been abrogated insofar these laws were written in English. Furthermore, the introduction of English law may have carried with the application of the Act of 1731 4 George II, c.26, whereby English had been made the only permissible language of pleading and record in the courts of England. The various anti-Catholic laws of England, particularly those requiring of public officials and members of the professions, the oaths against popery and transsubstantiation, were also transported to Canada. This was the ground for the contention by the English elements that the allowance of Canadian jurors and lawyers





by Murray was unconstitutional. In the following sections we shall follow the debate and attempt to draw some conclusions as to the legal status of bilingualism during the period of the Civil Regime.

1.43      Murray's justification of concessions to the French.-

On October 29, 1764 Governor Murray wrote to the Board of Trade to justify his departure from the strict application of the terms of the Proclamation of October 7, 1763, on political rather than legal grounds. He described the English merchants trading in Quebec as "Licentious Fanaticks" and said:

"Little, very little, will content the New Subjects but nothing will satisfy the Licentious Fanaticks Trading here, but the expulsion of the Canadians who are perhaps the bravest and the best race upon the Globe, a Race, who cou'd they be indulged with a few priveledges w'ch the Laws of England deny to Roman Catholicks at home, wou'd soon get the better of every National Antipathy to their Conquerors and become the most faithful and most useful set of Men in this American Empire. I flatter myself there will be some Remedy found out even in the Laws for the Relief of this People, if so, I am positive the populer clamours in England will not prevent the Humane Heart of the King from following its own Dictates. I am confident too my Royal Master will not blame the unanimous opinion of his Council here for the Ordonnance establishing the Courts of Justice, as nothing less cou'd be done to prevent great numbers from emigrating directly, and certain I am, unless the Canadians are admitted on Jurys, and are allowed Judges and Lawyers who understand their Language his Majesty will lose the greatest part of this Valuable people." 1

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1.      Constitutional Documents, p. 231.



1.44      Opposition of English merchants to Murray's policies.-

An influential group of Quebec merchants reacted vehemently to Murray's conciliatory policy and petitioned the King for his removal. One of their grievances against Murray was the following:

"His further adding to this by most flagrant Partialities, by formenting Parties and taking measures to keep your Majesty's old and new Subjects divided from one another, by encouraging the latter to apply for Judges of their own National Language."<sup>1</sup>

The complaints of the Quebec traders were enthusiastically endorsed by a band of their counterparts in London in a petition presented to the King and annexed to that from Quebec.<sup>2</sup>

1.45      Report of Norton and DeGrey: opinion that incapacities of Catholics do not apply to Canada.-

In a memorandum to the Board of Trade the Attorney-General, Fletcher Norton, and the Solicitor-General, William DeGrey, opined that the anti-papist laws of England had not been extended to the Province of Quebec by the 1763 Proclamation:

"We ... are humbly of Opinion, that His Majesty's Roman Catholick Subjects residing in the Countries, ceded to His Majesty in America, by the Definitive Treaty of Paris, are not subject, in those Colonies, to the Incapacities, disabilities, and Penalties, to which Roman Catholicks in this Kingdom are subject by the Laws thereof."<sup>3</sup>

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1.      Constitutional Documents, p.233.
  - 2      Id., pp. 235-36.
  3.      Id., p. 236.



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The effect of this opinion would of course have been to sanction the concessions made to the Canadians in the Ordinance of September 17, 1764.

1.46      Board of Trade report: French laws survived in the Colony.-

The Board of Trade, pursuant to an order-in-council ordering it so to do, prepared a lengthy report to the Committee for Plantation Affairs on the various presentments and petitions made by the inhabitants of Quebec.<sup>1</sup> While not dealing directly with the claim that the concessions made to Canadians with regard to the administration of justice were unconstitutional, the authors of the Report expressed the opinion that the right of French-Canadians in this respect should be expanded and even criticized the exclusion of French lawyers and French laws in the Court of King's Bench. The Ordinance of September 17, 1764 was subjected to two major criticisms:

"First. Upon some erroneous general Principles, which seem to have been adopted by those who framed this Ordinance:

Secondly: Upon the very loose and imperfect manner in which it is drawn.

The principal error by which the Framers of this Ordinance seem to have been misled, is, that the native Canadians are under such personal Incapacity and their Laws and Customs so entirely done away, as that they cannot be admitted either as Suitors or Advocates to participate in common with the rest of the Advantages of that System of Justice in respect to Matters of Property, for the Administration of which the Superior Court seems to have been instituted, for though they are admitted to serve indiscriminately as Jurors in this Court. yet it is evident from the

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1. It is entitled: "Report to the Lords of Committee for Plantation Affairs on several Papers relative to Ordinances and Constitutions made by the Governor of Quebec, and is to be found in Constitutional Documents, pp. 241 et seq.

THE HISTORY OF THE UNITED STATES

CHAPTER I. THE DISCOVERY OF AMERICA.

THE first discovery of America was made by Christopher Columbus in 1492.

He sailed from Spain on the 3rd of September, and after a long voyage, he reached the island of San Salvador on the 12th of October.

He then sailed on to the mainland, and discovered the great bay of San Pedro de Miquel.

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express mention of the peculiar Privileges they are to Enjoy in the inferior Court, that it is intended neither that their Customs and Usages in Questions of Property should be allowed of in the Superior Court, nor themselves be admitted to practice therein as Proctors, Advocates or Attornies.

This Distinction and Exclusion seem to us to be as inconsistent with true Policy, as it is unwarrantable upon the Principles of Law and Equity, which do not, we apprehend, when Canadian Property acquired under the French Government is concerned, operate against the Admission in a Court of Justice, of such Laws and Customs of Canada as did heretofore govern in cases relative to such Property: Neither do we conceive what foundation there is for the Doctrine, that a Roman Catholick, provided he be not a Recusant convict is incapable of being admitted to practice in those Courts as a Proctor, Advocate or Attorney even independent of Ye. opinion of His Majesty's Attorney and Solicitor General in a late Report made to us, a Copy of which is hereunto annexed, that Roman Catholics &c. in Canada are not subject to any of the Incapacities, Disabilities or Penalties to which Roman Catholics in this Kingdom are subject by the Laws thereof."<sup>1</sup>

The Report was in some sympathy with the complaints of the English merchants in connection with the provision for all-Canadian juries in disputes between British-born subjects and Canadians:

"The third Objection does also appear to us to be equally well founded, for although we think, that whatever tends to perpetuate a Distinction between British born Subjects and Canadians (which juries de Medietate certainly do) ought to be avoided as much as possible, yet under the present Circumstances of this Province, we are of Opinion, it would have been advisable to have enacted, that in all Cases where the Action lay between a British-born Subject and a Canadian, an equal number of each should have been impanelled upon the Jury, if required by either Party."<sup>2</sup>

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1. Constitutional Documents, pp. 241-42.

2. Id., p. 243.





In this statement we can find the genesis of the right to a mixed jury which still survives in Quebec law.

While the authors of the Report did not go so far as to recommend the re-introduction of French law in the Province, it is evident that they believed that there should be an expansion of the rights of the Canadian inhabitants in the administration of justice. They indicated that Canadians should be permitted to practice as lawyers in all courts and that all magistrates should be required to understand French:

"That in all Courts thus proposed to be established the Canadian Subjects shall be admitted to practice, as Barristers, Advocates, Attornies and Proctors under such Regulations as shall be prescribed by the Court for Persons in general under those descriptions.

That in all cases where any Rights or Claims founded upon any Transactions & Events prior to the Conquest of Canada shall come in question, the several Courts shall admit and be Governed in their proceedings by the French Usages and Customs, which heretofore have prevailed in Canada, in respect to such property.

That to render these Provisions effectual, Care should be taken, that not only the Chief Justice, but also the puisne Judges should understand the French Language; and that one of those Judges at least should be well versed in the French Customs and Usages above mentioned."<sup>1</sup>

The Report concluded by describing the manoeuvres of the English Grand Jurors as "indecent, unprecedented and unconstitutional" and by recommending that a new ordinance of judicature be drafted in

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1. Constitutional Documents, p. 246.





England and transmitted to the Governor of Quebec to replace the Ordinance of September 17, 1764.<sup>1</sup>

1.47      Board of Trade recommended calling of General Assembly and giving vote to Roman Catholics.-

In a letter dated September 2, 1765, and addressed to the King, the Board of Trade recommended that Governor Murray be recalled to London in order to personally account for the state of affairs in the Colony and recommended that a General Assembly, consisting of the Governor, the Council, and a House of Representatives be called. The letter noted that the House of Representatives had not yet been assembled and suggested that the Province be divided in three electoral districts (Quebec, Montreal and Trois-Rivières). Roman Catholics should be entitled to vote:

"We apprehend there would be found a sufficient number of Persons in each County qualified to serve as Representatives, and in the Choice of whom all the Inhabitants of such County might join; seeing that we know of no Law by which Roman Catholics, as such, are disqualified from being Electors."<sup>2</sup>

We should point out, however, that there appears to be a contradiction in this recommendation since the granting of the vote to Roman Catholics did not by itself overcome the prohibition contained in the terms of the Commission to Governor Murray against participation of Roman Catholics in the membership of the Legislative Assembly.

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1. Constitutional Documents, p. 246.  
2. Id., p. 248.

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THE DIVISION OF THE PHYSICAL SCIENCES

DEPARTMENT OF PHYSICS

PHYSICS 311

LECTURE 10: ELECTRIC FIELDS

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1.48      New instructions to Governor Murray about juries and rights of Canadians to practise law.-

As a result of the above-mentioned report of the Board of Trade to the Committee for Plantation Affairs, additional instructions were sent to Governor Murray on February 17, 1766. They provided for the elimination of all impediments to the participation of French-Canadians in the administration of justice, and set out a detailed scheme for mixed juries:

"It is ... our Royal will and pleasure and you are hereby directed and required, forthwith upon the receipt of this our Instruction, to enact and publish an ordinance, declaring that all our subjects in our said Province of Quebec without distinction are intitled to be empanelled, and to sit and act as jurors, in all causes civil and criminal cognizable by any of the Courts of Judicature within our said Province; and also declaring that for the more equal and impartial distribution of Justice in civil causes or actions between British born subjects and British born subjects, the juries in such causes or actions are to be composed of British born subjects only; That in all causes or actions between Canadians and Canadians the juries are to be composed of Canadians only; And in all causes or actions between British born subjects and Canadians the juries are to be composed of an equal number of each, if required by either of the parties in any of the above mentioned instances; And it is our further will and pleasure that it be also declared by the said ordinance, that our Canadian Subjects shall be permitted and allowed to practice, as Barristers, Advocates, Attornies and Proctors, in all or any of the Courts within our said Province, under such regulations as shall be prescribed by the said Courts respectively for persons in general under those descriptions;"<sup>1</sup>

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1. Doutre & Lareau, op. cit., p. 609. Italics ours.







1.49      The new Ordinance of Judicature of July 1, 1766.-

On July 1, 1766 Governor Irving, who had replaced Murray during the latter's recall to London, issued a new Ordinance of Judicature embodying the right of Canadians to sit on all juries, a new jury system, and the right of Canadians to practice law:

"... It is hereby Ordained and Declared, That all His Majesty's Subjects in the said Province of Quebec, without Distinction, are intituled to be impannelled, and to fit and act as Jurors, in all Causes civil and criminal cognizable by any of the Courts or Judicatures within the said Province.

And for the more equal and impartial Distribution of Justice, Be it further Ordained and Declared, by the Authority aforesaid, That in all civil Causes or Actions between British born Subjects and British born Subjects, the Juries in such Causes or Actions are to be composed of British born Subjects only: And that in all Causes or Actions between Canadians and Canadians, the Juries are to be composed of Canadians only; and that in all Causes or Actions between British born Subjects and Canadians, the Juries are to be composed of an equal Number of each, if it be required by either of the Parties in any of the abovementioned Instances.

And be it further Ordained and Declared, by the Authority aforesaid, That His Majesty's Canadian Subjects shall and are hereby permitted and allowed, to practice as Barristers, Advocates, Attornies and Proctors in all or any of the Courts within the said Province, under such Regulations as shall be prescribed by the said Courts respectively for Persons in general under those Descriptions."<sup>1</sup>

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1. Ordinances of the Governor-in-Council of Quebec, 1764-1767, op. cit., pp. 72 and 73.



1.50      Report of Yorke and De Grey: recommendation that French law be restored.-

On April 14, 1766, Attorney-General Yorke and Solicitor-General De Grey wrote to the Board of Trade about the state of affairs in Quebec and asserted that there were two principal sources of disorder in the Province:

" ... 1st The attempt to carry on the Administration of Justice without the aid of the natives, not merely in new forms, but totally in an unknown tongue, by which means the partys Understood Nothing of what was pleaded or determined having neither Canadian Advocates or Sollicitors to Conduct their Causes, nor Canadian jurors to give Verdicts, even in Causes between Canadians only, Nor Judges Conversant in the French language to declare the Law, and to pronounce Judgement; This must cause the Real Mischiefs of Ignorance, oppression and Corruption, or else what is almost equal in Government to the mischiefs themselves, the suspicion and Imputation of them.

The second and great source of disorders was the Alarm taken at the Construction put upon his Majesty's Proclamation of Oct. 7th 1763. As if it were his Royal Intentions by his Judges and Officers in that Country, at once to abolish all the usages and Customs of Canada, with the rough hand of a Conqueror rather than with the true Spirit of a Lawful Sovereign, and not so much to extend the protection and Benefit of his English Laws to His new subjects, by securing their Lives, Libertys and propertys with more certainty than in former times, as to impose new, unnecessary and arbitrary Rules expecially in the Titles to Land, and in the modes of Descent Alienation and Settlement, which tend to confound and subvert rights, instead of supporting them."<sup>1</sup>

The writers pointed out that the additional instructions of February 17, 1766 had remedied the first cause of disorder. As to the second, they expressed the opinion that the Proclamation of October 17, 1763 and the Ordinance of September 17, 1764 had

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1. Constitutional Documents, p. 252.

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not effected the wholesale introduction of English law to the new Colony:

"There is not a Maxim of the Common Law more certain than that a Conquer'd people retain their antient Customs till the Conqueror shall declare New Laws. To change at once the Laws and manners of a settled Country must be attended with hardship and Violence; and therefore wise Conquerors having provided for the security of their Dominion, proceed gently and indulge their Conquer'd subjects in all local Customs which are in their own nature indifferent, and which have been received as rules of property or have obtained the force of Laws. It is the more material that this policy be persued in Canada; because it is a great and antient Colony long settled and much Cultivated, by French Subjects, who now inhabit it to the number of Eighty or one hundred thousand."<sup>1</sup>

They recommended that French private law be re-established but that English criminal law be retained.<sup>2</sup>

1.51      Considerations of Baron Maseres: need for Act of Parliament. Baron Francis Maseres was an English barrister of Swiss origin who was appointed Attorney-General for the Province of Quebec early in March 1766 (though his commission as issued at Quebec under the authority of Governor Carleton is dated September 25, 1766). Before he left for Canada, Maseres wrote and published certain "Considerations" which comprised a lengthy and closely reasoned exposition of the state of laws in the Province of Quebec.<sup>3</sup>

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1. Constitutional Documents, p. 255.

2. Id., p. 256.

3. Id., p. 257.





(a) Anti-Catholic laws apply to Quebec.- In Maseres' opinion, contrary to that of Norton and De Grey,<sup>1</sup> the anti-papist laws of England had been extended to Canada by the Proclamation. Article 4 of the Definitive Treaty of Peace of 1763 had granted the freedom of the Roman Catholic religion to the Canadian subjects "as far as the laws of Great Britain permit". However, this was only a false concession since "... no degree of toleration is already actually allowed by the laws of Great Britain in any part of the British dominions."<sup>2</sup> As a result of the extension of the anti-Catholic laws to Canada, Maseres concluded that Canadians were excluded, in law at least, from any participation in the administration of justice. He recommended that the Roman Catholic religion receive unequivocal official toleration, but that only an Act of Parliament, and not Royal Sanction, would suffice towards that end.<sup>3</sup>

(b) French law not abolished.- As for the extent of the introduction of English law to the Province of Quebec, Maseres concurred in the opinion of Yorke and De Grey.<sup>4</sup> He said,

"... This doctrine therefore of the instant validity of the whole mass of the laws of England throughout the conquered Province cannot be true. And if the whole system of those laws is not valid there, then certainly no part of them can be so. For if they are, then who shall distinguish which of them are valid there and which are not?"<sup>5</sup>

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1. cf. s.1.50

2. Constitutional Documents, p. 259.

3. Id., p. 261.

4. cf. s.1.50

5. Constitutional Documents, p. 264.



On this point he concluded that an Act of Parliament was required to resolve the uncertainty:

"It may therefore be concluded, as at first, that none of the laws of England are valid in the conquered province ipso facto by virtue of the conquest, or cession, without a positive introduction there by a sufficient authority; and this sufficient authority seems, for the reasons already mentioned, to be only the Parliament of Great Britain."<sup>1</sup>

(c) Objections to Legislative Assembly.- Finally Maseres objected for the time being to the convocation of a legislative assembly. He offered two grounds for this objection:

- (i) He contended that the Test Act had been extended to Canada by the terms of Proclamation and that this would have barred Canadian participation in such an assembly. The result would have been to convoke an assembly for which only several hundred out of a population of 80,000 or more were eligible for membership.
- (ii) But assuming that Canadians could legally be admitted to such an assembly, Maseres nevertheless felt that such a measure should be avoided as contrary to a policy of rapid anglicization:

"On the other hand, it might be dangerous in these early days of their submission, to admit the Canadians themselves to so great a degree of power. Bigotted, as they are, to the Popish religion, unacquainted with, and hitherto prejudiced against the laws and customs of England, they would be very unlikely for some years to come, to promote such measures, as should gradually introduce the Protestant religion, the use of the English

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1. Constitutional Documents, p. 264.





language, of the spirit of the British laws. It is more probable they would check all such endeavours, and quarrel with the governor and council, or with the English members of the assembly, for promoting them. Add to this, that they are almost universally ignorant of the English language, so as to be absolutely incapable of debating in it, and consequently must, if such an assembly were erected, carry on the business of it in the French language, which would tend to perpetuate that language, and with it their prejudices and affections to their former masters, and postpone to a very distant time, perhaps for ever, that coalition of the two nations, or the melting down the French nation into the English in point of language, affections, religion, and laws, which is so much to be wished for, and which otherwise a generation or two may perhaps effect, if proper measures are taken for that purpose."<sup>1</sup>

Maseres concluded his report by saying that if an assembly was to be established in which Catholics or Canadians were to be admitted "as in justice and reason" they had to be, if any assembly at all was to be elected, an Act of the Imperial Parliament would be necessary to give validity to such a measure.<sup>2</sup>

1.52      Success of new ordinance of judicature.-

In a letter to the Board of Trade dated August 20, 1766, acting Governor Aemilius Irving described the meliorative effect of the additional Royal Instruction and of the Ordinance of July 1st as follows:

"My Lords,

As the Courts of Justice are now sitting, I have an opportunity to observe the good Effects of the Additional Instruction, which, by assuring to the Canadians the Privilege of being Jurors, and of having Lawyers that can speak their own Language, has contributed very much to quiet their

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1. Constitutional Documents, p. 267.
  2. Id., p. 268.

The first part of the paper discusses the importance of the study and the objectives of the research. It also provides a brief overview of the methodology used in the study. The second part of the paper presents the results of the study and discusses the implications of the findings. The third part of the paper concludes the study and provides some final thoughts on the research.

The results of the study show that there is a significant relationship between the variables studied. The findings suggest that the study has some practical implications for the field. The study also highlights some areas for further research. The conclusions of the study are that the research has been successful in achieving its objectives and that the findings are of value to the field.

The study was conducted using a quantitative research design. The data was collected through a series of surveys and interviews. The results of the study were analyzed using statistical software. The findings of the study are presented in the form of tables and graphs. The study was conducted over a period of six months. The results of the study are presented in the form of a report. The study was conducted by a team of researchers. The results of the study are presented in the form of a report. The study was conducted by a team of researchers. The results of the study are presented in the form of a report.

minds, not a little alarmed by the long Delay which the matters that Captain Cramahé was charged with, met with in London. All that to me seems wanting at present, is a permanency to the inferior Court, and an Augmentation of the Terms of its sitting. The Slowness of the Proceedings of the Superior Court, has rendered the inferior one of great Utility to the Publick, and the small Fees taken in it, have prevented the people from becoming the Prey of attornies. The Chief Difficulty that has occurred is what happens in appeals from it to the Superior Court; as the Proceedings are threatened to be reversed on Account of deviation from the English Form, without entering into the merits of the Cause, or the Reasons upon which the Judgment was founded: The Canadian Advocates must have been inspired to have been able in so short a time to comply with Forms to which they were all Strangers, especially as the Ordinance directing the Nature of Proceedings in that Court has never been published, on Account of the uncertainty the Council was in, whether His Majesty would approve of what had already been done in these Matters or not."<sup>1</sup>

Irving also recommended that in districts where there were no fit candidates for appointment as Justices of the Peace, the powers of the bailiffs be increased. It will be remembered that under the terms of the Ordinance of September 17, 1764, Canadians were eligible for election as bailiffs.<sup>2</sup>

1.53 Canadian request for admission to the judiciary.-

On February 3, 1767, the Seigneurs of Montreal petitioned King George III for removal of the impediments to Canadian participation in the judiciary:

" ... que tous les Sujets en cette province sans aucune Distinction de Religion soient admis à toutes les Charges sans autre Choix, que les talents et le meritte personnel, etre exclus pas Etat d'y participer, n'est pas Etre membre de l'estat, s'ils en ressent l'humiliation, ils ne connois-

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1. Constitutional Documents, p. 269.

2. cf. s. 1.33 (d)





sent pas moins le prix d'une grace aussy Distinguée, pour laquelle Ils ne peuvent offrir que des Coeurs pleins d'Amour et de Reconnoissance, Leur Zele, leur attachement et leur fidelité en seront les preuves marquées dans tous les tems a venir."<sup>1</sup>

Of course, the Seigneurs had exercised substantial local authority under the French Regime and during the four years of British military rule after the Conquest they had actually administered justice in Montreal and Trois-Rivières.

1.54      Commission to Chief Justice William Hey implies that only English law is valid.-

A Royal Mandate, dated February 3, 1766 commanded the Governor of Quebec to commission William Hey as Chief Justice of the Province.<sup>2</sup> The commission, which was issued and registered at Quebec on September 25, 1766, empowered Hey to determine all civil suits and actions according to the laws of England:

"AND FURTHER KNOW YE That we have assigned, Constituted and appointed, and by these presents, do assign, Constitute and appoint, YOU, the said WILLIAM HEY, Our Chief Justice of Our Supreme Court of Judicature of our said province of Quebec, to inquire by the oaths of honest and lawful men of the province aforesaid, and by other lawful ways, methods and means, by which you can or may the better Know, as well within Liberties as without, of all civil pleas, actions, and suits, as well real and personal, as mixed, between us and any of our Subjects, or between party and party, by whomsoever had, brought, sued and Commenced, and of all other articles and circumstances the premises, or any of them, any wise Concerning: and the said pleas, actions, and suits, and every of them, to hear and determine in manner and form aforesaid, doing therein that which to Justice doth belong and appertain according to the Laws and Customs of that part of our Kingdom of Great Britain Called England, and the Laws, Ordinances, Rules, and

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1. Constitutional Documents, p. 271.

2. Id., p. 273.





Regulations of our said province of Quebec, hereafter in that behalf to be Ordained and made."<sup>1</sup>

It is thus apparent that at this stage at least the Imperial authority had no intention of restoring French private law.

1.55      Gradual erosion of the policy of anglicization.-

The complaints of the Canadians began to make an impression on officials in England. On April 30, 1767, the Quebec Gazette published the following editorial, entitled "Réflexion sur les affaires du temps au sujet de justice" expressing hopes for the restoration of French laws:

"On dit dans le public que notre souverain seigneur roi George III, ayant bien voulu favoriser ses nouveaux sujets du pays du Canada, tous Français, que son précesseur a si glorieusement conquis, entend qu'ils soient jugés suivant les lois françaises toujours usitées en ce pays jusqu'à présent (ainsi qu'il a été décidé en Normandie, pays conquis), et qu'il sera établi en ce dit pays des juges français, gens de loi, qui rendront la justice entre Français, par les ordres de Sa Majesté et des puissances qui la représentent en cette colonie, suivant un code qu'il plaira à son excellence le Gouverneur du Canada faire rédiger et imprimer. Ce sera un bien pour toute la colonie, lorsque par semaine il y aura des audiences, et que chaque particulier français sera jugé suivant les lois françaises et les coutumes de ce pays. Alors, il y aura moins de retardement, de chicanes et de frais (chose bien essentielle dans les circonstances où on se trouve). Que ne doit-on pas espérer de la sagesse et prudence du gouvernement, puisqu'il s'agit de l'intérêt du public?"<sup>2</sup>

In fact, on August 28, 1767, the Privy Council passed an order which, following the advice of the Board of Trade, ordered the Governor of Quebec to submit a report to the King on the following two subjects: (1) Whether any and which defects were then

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1. Constitutional Documents, pp. 274-75. Italics ours.

2. Roy, J.E., op. cit., p. 265.

# THE HISTORY OF THE UNITED STATES

OF THE UNITED STATES OF AMERICA

FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME

BY JAMES M. SMITH

NEW YORK: PUBLISHED BY J. B. LIPPINCOTT & CO.

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subsisting in the state of judicature in the Province of Quebec;  
(2) Whether the Canadians in particular were or considered themselves aggrieved by the existing administration of justice, and that any proposed additions or amendments thereto be submitted to the King in the form of a Draft Ordinance.<sup>1</sup>

On November 25, 1767, acting Governor Guy Carleton despatched a letter to the Earl of Shelburne, one of the King's Principal Secretaries of State, commenting on the natural increase of the Canadians and expressing doubts that English-speaking elements could ever achieve a numerical superiority in the Province of Quebec:

"Having arrayed the Strength of His Majesty's old and new Subjects, and shewn the great Superiority of the Latter, it may not be amiss to observe, that there is not the least Probability, this present Superiority should ever diminish, on the Contrary 'tis more than probable it will increase and strengthen daily: The Europeans, who migrate never will prefer the long unhospitable Winters of Canada, to the more cheerful Climates, and more fruitful Soil of His Majesty's Southern Provinces; The few old Subjects at present in this Province, have been mostly left here by Accident, and are either disbanded Officers, Soldiers, or Followers of the Army, who, not knowing how to dispose of themselves elsewhere, settled where they were left at the Reduction; or else they are Adventurers in Trade, or such as could not remain at Home, who set out to mend their Fortunes, at the opening of this new Channel for Commerce, but Experience has taught almost all of them, that this Trade requires a Strict Frugality, they are Strangers to, or to which they will not submit; so that some, from more advantageous Views elsewhere, others from Necessity, have already left this Province, and I greatly fear many more, for the same Reasons, will follow their Example in a few Years; But while this severe Climate, and the Poverty of the Country discourages all but the Natives, it's Healthfulness is

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1. Constitutional Documents, p. 287.



1. The first part of the document is a letter from the President of the United States to the Congress.

2. The second part is a report from the Secretary of the Treasury on the state of the Union.

3. The third part is a report from the Secretary of the Navy on the state of the Navy.

4. The fourth part is a report from the Secretary of the War on the state of the War.

5. The fifth part is a report from the Secretary of the Interior on the state of the Interior.



such, that these multiply daily, so that, barring Catastrophe shocking to think of, this Country must, to the end of Time, be peopled by the Canadian Race, who already have taken such firm Root, and got to so great a Height, that any new Stock transplanted will be totally hid, and imperceptible amongst them, except in the Towns of Quebec and Montreal."<sup>1</sup>

This letter constitutes one of the first cracks in the assimilationist policy inaugurated by the Proclamation of October 1763. Till then, all concessions made to the Canadians which seemed to depart from this policy were spoken of, even by the most favorable officials, as merely temporary measures to be scrapped as soon as possible.

1.56      Carleton recommends recognition of French private law and change in system of judicature.-

The Earl of Shelburne had been entrusted with the execution of the Privy Council's Order of August 28, 1767. On December 17, of the same year he wrote to Carleton informing him of the Royal Command that he make a full inquiry into the state of judicature in the Province and submit a report thereon.<sup>2</sup> On Christman Eve of the same year, thus before he could have received Shelburne's letter, Carleton wrote him as follows, criticizing the indiscriminate introduction of English law:

"... To conceive the true State of the People of this Province, so far as the Laws and Administration of Justice are concerned, and the Sensations, they must feel, in their present Situation, 'tis necessary to recollect, they are not a Migration of Britons, who brought with them the Laws of England, but a Populous and long established Colony, reduced by the King's Arms, to submit to His Dominion, on

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1. Constitutional Documents, p. 284.

2. Id., pp. 287-8.

The first part of the paper discusses the importance of the study and the objectives of the research. It also outlines the methodology used in the study and the results obtained. The second part of the paper discusses the implications of the study and the conclusions drawn from the research.

The study was conducted in a laboratory setting and the results were compared with those obtained from previous studies. The study found that the results were consistent with those obtained from previous studies and that the methodology used in the study was effective. The study also found that the results were consistent with those obtained from previous studies and that the methodology used in the study was effective.

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certain Conditions: That their Laws and Customs were widely Different from those of England, but founded on natural Justice and Equity, as well as these; That their Honors, Property, and Profits, as well as the King's Dues, in a great Measure Depended upon them, That on the Mutation of Lands by sale, some special Cases excepted, they established Fines to the King, in Lieu of Quit Rents, and to the Seigneur, Fines and Dues, as his Chief Profits, Obliging him to grant his Lands at very low Rents-

This System of Laws established Subordination, from the first to the lowest, which preserved the internal Harmony, they enjoyed untill our Arrival, and secured Obedience to the Supreme Seal of Government from a very distant Province. All this Arrangement, in one Hour, We overturned, by the Ordinance of the Seventeenth of September One Thousand seven hundred and sixty four, and Laws, ill adapted to the Genius of the Canadians, to the Situation of the Province, and to the Interests of Great Britain, unknown, and unpublished were introduced in their Stead; A Sort of Severity, if I remember right, never before practiced by any Conqueror, even where the People, without Capitulation, submitted to His Will and Discretion.

How far this Change of Laws, which Deprives such Numbers of their Honors, Privileges, Profits, and Property, is conformable to the Capitulation of Montreal, and Treaty of Paris; How far this Ordinance, which affects the Life, Limb, Liberty, and Property of the Subject, is within the Limits of the Power, His Majesty has been pleased to Grant to the Governor and Council; How far this Ordinance, which in a Summary Way, Declares the Supreme Court of Judicature shall Judge all Cases Civil and Criminal by Laws unknown and unpublished to the People, is agreeable to the natural Rights of Mankind, I humbly submit; This much is certain, that it cannot long remain in Force, without a General Confusion and Discontent-"1

The first part of the paper discusses the importance of the study and the objectives of the research. It also provides a brief overview of the methodology used in the study.

The second part of the paper presents the results of the study. It includes a detailed analysis of the data and a discussion of the findings. The results show that there is a significant relationship between the variables studied.

The third part of the paper discusses the implications of the findings and provides recommendations for future research. It also includes a conclusion and a list of references.



Carleton also criticized the costs and confusion resulting from the state of judicature existing in Quebec. He pointed out that among Canadians, most transactions continued to be carried out according to French law:

"A few Disputes have already appeared, where the English Law gives to one, what by the Canadian Law would belong to another; A Case of this Sort, not easy to determine, lies at present in Chancery; if decided for the Canadian, on the Principle, that Promulgation is necessary to give Force to Laws, the Uniformity of the Courts of Justice thereby will be still further destroyed, Chancery reversing the Judgments of the Supreme Court, as that Court reverses those of the Common Pleas; the People notwithstanding continue to regulate their Transactions by their Ancient Laws, tho' unknown and unauthorised in the Supreme Court, where most of these Transactions would be declared Invalid-"<sup>1</sup>

To remedy the situation, he recommended the restoration of most French private law:

"The most advisable Method, in my Opinion, for removing the present, as well as for preventing future Evils, is to repeal that Ordinance, as null and void in it's own nature, and for the present leave the Canadian Laws almost entire; such Alterations might be afterwards made in them, as Time and Occurrences rendered the same advisable, so as to reduce them to that System, His Majesty should think fit, without risking the Dangers of too much Precipitation; or else; such Alterations might be made in the old and those new Laws Judged necessary to be immediately introduced, and publish the whole as a Canadian Code, as was practised by Edward the First after the Conquest of Wales-"<sup>2</sup>

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1. Constitutional Documents, pp. 289-90.
  2. Id., p. 290.





1.57      Appointment of Cugnet as French Secretary to the  
Governor's Council at Quebec.

In the beginning of the year 1768 François Joseph Cugnet was named French Secretary of the Governor and Council at Quebec. His duties were to translate into French, the laws, orders and regulations of the Governor-in-Council under the direction of the latter, and to serve as a consultant on the pre-1760 law by retrieving and examining the ancient edicts and decisions of the Superior Council and of the other courts under the old regime. Cugnet was an accomplished legal scholar and fluent in the English language. For a quarter of a century he translated the Governor's Ordinances into French.<sup>1</sup>

1.58      Carleton reiterates need to restore French law.

On January 20, 1768 Carleton reiterated in a letter to the Earl of Shelburne the advisability of restoring French law:

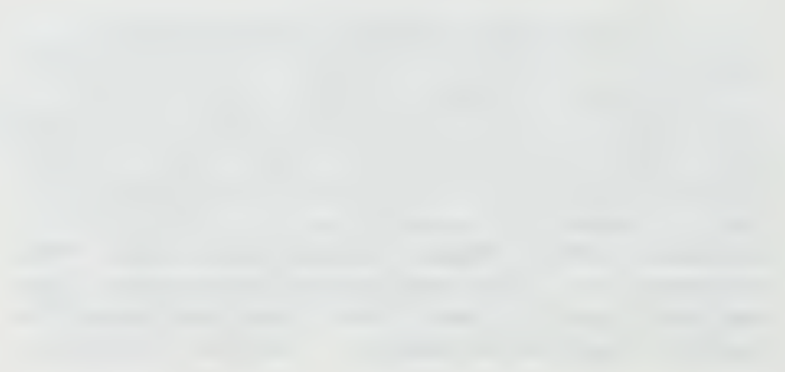
"....it therefore seems to me highly expedient, that, at least, those Causes of Complaint, which affect the Bulk of the People, and come home almost to every Man, should be removed; That they should be maintained in the quiet Possession of their Property, according to their own Customs, which Time immemorial, has been regarded by them and their Ancestors, as Law and Equity; and that the Approach to Justice and Government, for the Redress

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<sup>1</sup>Doutre & Lareau, op. cit., p. 620; see also Roy, J. E., op. cit., pp. 266-267

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of Wrongs, be practicable and Convenient, in Place of being ruinous by Delay, and an Expenditure disproportioned to their Poverty; but this is neither in the Power of Justice or Government here to grant him, while the Supreme Court is obliged to Judge according to the Laws of England, and the different Offices can claim, as their Right, Fees calculated for much wealthier Provinces."<sup>1</sup>

1.59 Hillsborough's claim that only English law of procedure had been introduced.

On March 6, 1768, the Earl of Hillsborough, First Secretary of State for the Colonies, who had had a part in the drafting of the Royal Proclamation of October 1763, wrote to Carleton and commented that it had never been the intention of the Proclamation to overturn the entire system of French private law and that its sole purpose was to introduce the English law of procedure. Hillsborough claimed that the intention of the Proclamation had been subverted by the incompetence of colonial administrators entrusted with its execution:

" I had the Honour to serve His Majesty at the Board of Trade, in the year 1763, when His Ma'ty was pleased to publish His Royal Proclamation relative to the new Colonies, and, whatever the legal sense conveyed by the words of that Proclamation may be, of which I pretend not to be a Judge, I certainly know what was the Intention of

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<sup>1</sup>Constitutional Documents, p. 294.





those who drew the Proclamation, having myself been concerned therein; And I can take upon me to averr, that it never entered into Our Idea to overturn the Laws and Customs of Canada, with regard to Property, but that Justice should be administered agreeably to them, according to the Modes of administering Justice in the Courts or Judicature in this Kingdom, as is the Case in the County of Keng, and many other parts of England, where Gavel-kind Borough-English and several other particular customs prevail, altho' Justice is administered therein according to the Laws of England.

It was most unfortunate for the Colony of Quebec, that weak, ignorant, and interested Men, were sent over to carry the Proclamation into Execution, who expounded it in the most absurd Manner, oppressive and cruel to the last Degree to the Subjects, and entirely contrary to the Royal Intention. The Distance of the Colony, the Difficulties arising from many Circumstances, unnecessary for me to enumerate, and the Differences of Opinion occasioned by various Causes, have prevented, as yet, the necessary Measures from being taken, to correct this original and fatal Mistake; But I trust I shall soon be empowered to signify His Majesty's Pleasure, to you, to carry into Execution, such as will not only relieve His Majesty's new Subjects from the uncertainty, and consequently unhappy Situation, they are now in; but give them entire Satisfaction for the future, by securing to them their Property upon a stable Foundation, and rendering the Colony more flourishing and happy than it has ever been."<sup>1</sup>

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<sup>1</sup>Constitutional Documents, pp. 297-298.



Whatever the intention of its draftsmen, it is impossible to read the Proclamation without deriving the impression that the unqualified intention of the home government had been to introduce English law in its entirety to the Colony.

1.60      Carleton's renewed recommendation that French law be restored.

On April 12, 1768, Carleton wrote again to Shelburne, once more recommending the retention of French property law on the grounds of real politik:

" The Canadian Tenures differ, it is true, from those in the other Parts of His Majesty's American Dominions, but if confirmed, and I cannot see how it well can be avoided, without entirely oversetting the Properties of the People, will ever secure a proper Subordination from this Province to Great Britain; if it's detached Situation be Constantly Remembered, and that on the Canadian Stock we can only depend for an Increase of Population therein, the Policy of Continuing to them their Customs and Usages will be sufficiently Evinced."<sup>1</sup>

In the same letter, Carleton referred to the compilation he had ordered of laws in force at the time of the Conquest. The compilation not being ready, he enclosed with his letter

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<sup>1</sup>Constitutional Documents, p. 300.





an interim summary of these laws.<sup>1</sup>

On November 20, 1768, in a confidential letter to the Earl of Hillsborough, Carleton again warned against the danger of continuing to exclude from public office the principal Canadian citizens.<sup>2</sup>

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<sup>1</sup>Constitutional Documents, p. 300. The summary of French laws referred to was entitled Coutumes et usages anciens De La Province de Québec. The more complete compilation of the French law and constitution, represented as in force in Canada before the Conquest, was prepared, chiefly under the supervision of F. J. Cugnet, and sent to Britain in Sept. 1769. In 1772 several compilations of the French Canadian laws were published, the most important being:- "An Abstract of those parts of the Custom of the Viscounty and Provostship of Paris which were Received and Practised in the Province of Quebec in the time of the French Government. Drawn up by a select Committee of Canadian Gentlemen well skilled in the laws of France and of that Province by the desire of the Hon. Guy Carleton Esq. Governor in Chief of the said Province, London, 1772." and "An Abstract of the Several Royal Edicts & Declarations and Provincial regulations and ordinances, that were in force in the Province of Quebec in the time of the French Government; and of the Commissions of the several Governors General and Intendants of the same Province during the same period. By Francis Joseph Cugnet Esq. Secretary to the Governor and Council of the said Province for the French Language. By direction of Guy Carleton 1772."

<sup>2</sup>id., p. 325.





1.61      Draft report to the British Cabinet.-

On September 12, 1769 , there was delivered to Morris Morgan a special emissary of the Earl of Hillsborough, a draft of the report on the state of the laws and of the administration of justice in Quebec required by the Order-in-Council of August 28, 1767. This report had been prepared by Attorney-General Maseres. Governor Carlton refused to sign it and wrote a report of his own (which will be discussed in the next section), and which was delivered at the same time. Maseres' draft is a long and comprehensive document, dealing with many points.<sup>1</sup> We will summarize the relevant conclusions:

(a) Religion.- The report argued that the anti-papist laws of England had been extended to Quebec as a result of the Conquest and that the Roman Catholic Church could not have any legal status in Canada more particularly because of the Act of Eliz.I, c.1, which forbade the extension of the spiritual or temporal jurisdiction of any foreign prince or prelate to any British Dominion.

(b) Introduction of English Law.- The report concluded that the combined effect of the 1763 Proclamation, of Murray's Commission and Instructions and of the Ordinance of September 17, 1764 was to introduce English law in its entirety. The report recognized that the French-Canadians were perhaps ignorant of the change which had been taken place in the laws governing them and that they had continued to follow their own laws and usages , at least in

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1.      Constitutional Documents, pp. 327-70.



certain areas:

"... as your Majesty's royal proclamation above-mentioned, and your commission to General Murray to be governour in chief of this province, have never been published here in the French language, and as the provincial ordnances above-mentioned of the 17th of September and the 6th of November, 1764, which have been published here in the French language have mentioned this change in the laws in very concise and general terms, without specifying or describing any of the laws of England that were thereby introduced, the greatest part of your Majesty's new subjects remain ignorant of the extent of the change to this hour, and imagine that their ancient laws and usages are in many points still in force. They still divide their lands upon an inheritance in the same manner as before the conquest; their widows are admitted to the same shares of them as before, without any regard to the English rule of dower, which differs widely from that of the French law; and the personal estates of persons who die intestate are distributed at their decease according to the rules of the French law, which are somewhat different (though not very greatly, as we are informed) from those of the English statute of distributions; and the distributions of their personal estates have likewise been made for the most part by persons authorized thereunto in the manner that was usual under the French government, and not by receiving letters of administration from your Majesty's governour of the province in the manner directed by your Majesty's instructions. Fortunately for the peace of the province no litigations have yet arisen in any of your Majesty's courts of justice to give occasion to decisions that would make them acquainted with the change of the laws in these particulars, which would probably create a great deal of uneasiness." <sup>1</sup>

The report pointed out that insofar as criminal law was concerned, even the French Canadians habitants agreed that English law now applied<sup>2</sup>. Furthermore, except in the Court of Common Pleas,

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1. Constitutional Documents, p. 344.
  2. id. p. 346.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry, no matter how small, should be recorded to ensure the integrity of the financial data. This includes not only sales and purchases but also expenses and income. The document further states that regular audits are necessary to verify the accuracy of these records and to identify any discrepancies. It also mentions that proper record-keeping is essential for tax purposes and for providing a clear picture of the company's financial health to stakeholders.

The second part of the document outlines the procedures for handling customer orders. It begins by stating that all orders must be received in writing, either by mail or through a formal order form. Once an order is received, it should be immediately entered into the system and assigned to a sales representative. The sales representative is responsible for ensuring that the order is filled promptly and accurately. The document also specifies that all orders must be shipped within the agreed-upon time frame and that the shipping costs should be clearly indicated on the invoice. Finally, it notes that customer satisfaction is a top priority, and any issues or complaints should be addressed immediately.

The third part of the document provides a detailed overview of the company's pricing strategy. It explains that prices are determined based on a combination of factors, including the cost of materials, labor, and overhead expenses. The document also discusses the importance of competitive pricing and how it is used to attract and retain customers. It mentions that the company regularly reviews its prices to ensure they remain competitive in the market. Additionally, it notes that special discounts and promotions are offered to loyal customers and during specific periods of the year.

The fourth part of the document describes the company's credit policy. It states that credit is only extended to customers who have a proven track record of timely payments. Before granting credit, the company conducts a thorough credit check to assess the customer's financial stability. The document also outlines the terms of the credit, including the payment due date and the interest rate applied to late payments. It emphasizes that the company's credit policy is designed to minimize the risk of non-payment while providing a fair and flexible arrangement for its customers.

The fifth and final part of the document discusses the company's commitment to quality control. It states that every product that leaves the factory must undergo a rigorous inspection process to ensure it meets the highest standards of quality. This process involves checking for defects, measuring dimensions, and testing the product's performance. The document also mentions that the company uses advanced equipment and techniques to maintain consistent quality across all production runs. Finally, it notes that customer feedback is an important part of the quality control process, and the company actively seeks out and addresses any concerns or suggestions from its customers.



English procedures seem to be used:

"And in all civil proceedings carried on in the superiour court, or court of King's Bench, the forms of all actions, the stile of the pleadings used in them, the method of trial, and the rules of evidence are those which are prescribed by the English law, and are universally known by the Canadians to be so.

In the court of Common Pleas the proceedings are drawn up in any form and stile that the parties, or their advocates, think proper, and sometimes in the French and sometimes in the English language, as the attornies who prepare them happen to be Canadians or Englishmen; and for this reason they are oftenest in the French language, most of the business in this court being managed by Canadian attornies."<sup>1</sup>

While the report had no hesitation in saying that the Proclamation of October 7, 1763 had introduced the entire body of English law into Quebec, it allowed that British policy might require to give it a less restrictive interpretation.<sup>2</sup> Furthermore, Murray's Ordinances of September 17, and November 6, 1764 could not by themselves be interpreted as introducing English law since they exceeded the limited legaslative authority granted to him under his Commission.<sup>3</sup> No support for the validity of these Ordinances could be derived from the private instructions given to the Governor, since, in Maseres' opinion, the only valid way to communicate such legislative power was by means of letters patent under the King's Great Seal, publicly read and notified to the people so that the acts done by virtue of them could have a just

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1. Constitutional Documents, p. 347.
  2. id., p.348 .
  3. id., pp. 348-49.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The document also outlines the specific requirements for record-keeping, including the need to maintain records for a minimum of five years and to ensure that all records are properly indexed and stored.

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claim to their obedience.<sup>1</sup> And even if such private grant of legislative power could be deemed valid, it was too confined to warrant the general introduction of English law, particularly that which have affected the life, liberty and property of subjects.<sup>2</sup> In other words, if the British Cabinet decided to adopt the interpretation that the Royal Proclamation of 1763 had not effected wholesale of introduction of English law, some plausible support could be derived for it.

(c) Uncertainty as to status of French Law.- The greatest inconvenience to the administration of justice in Quebec was the uncertainty about the continuity of the laws and customs of the French regime. The report recommended that the matter be settled once and for all "by some new act of government, conceived in the most clear and positive words that can be made use of, with an express exclusion or abolition of the other laws which may be imagined to have hitherto been in force."<sup>3</sup>

(d) Canadian Lawyers to be allowed to practice.- With respect to the right of Canadians to practice law, a laissez-faire policy was recommended to combat the excessive expense of legal proceedings due to high legal fees:

"All that can be done to keep those fees from growing exorbitant is to prevent a monopoly of law business in the hands of a few lawyers, who might thereby be enabled to exact unreasonable rewards from their clients by the necessity the people would be under of either employing them upon the terms they thought proper to demand, or

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1. Constitutional Documents, p. 350.

2. Id., p.350.

3. Id., p.351.





or letting their business remain undone: and this has been already done by your Majesty's wisdom and indulgence in permitting Canadian notaries, attornies, and advocates to practise their respective professions notwithstanding their continuance in the profession of the Romish religion."

(e) Judges.- The report submitted a plan for the future administration of justice which provided for the division of the Province into three judicial districts (Quebec, Trois Rivières and Montreal) in each of which a Royal Court of Judicature was to be established. Such courts would be presided over by an English judge appointed by the King with both criminal and civil jurisdiction. These English judges were to be selected from among barristers having at least five years practice and who - it is worth noting - had "a competent knowledge of the French language". Furthermore, for advice on old French laws, as well to facilitate communication with French-speaking parties, each judge was to be assisted by a Canadian lawyer as his assessor:

"And further, to enable these English judges more readily to understand the testimonies of the French witnesses, that would so often be examined before them, and likewise to comprehend the nature and extent of such of the ancient laws and customs of the country as your Majesty shall think fit to be either continued or revived, we conceive, that it would be convenient to give each of them a Canadian lawyer for an assessor, or assistant to them in the decision of causes: but the Canadian assessors should have no vote or authority to decide the causes in conjunction with the English judges; but should only assist them with their opinion and advice, the whole power of finally deciding them being vested





solely in the English judges. This employment of the Canadian lawyers, even in this subordinate capacity of assistants and advisers, would be thought a very gracious indulgence in your Majesty by all your Majesty's new subjects; and many of them, to whom it has been mentioned, have expressed an entire approbation of it. If they had an equal degree of authority with the English judges in the final decision of causes, they would be much more likely than the English judges to abuse it, by reason of their connections in the country, and the enmities and partialities that these connections would give birth to. And besides, there are other reasons, which would make it inexpedient to trust your new Roman catholick subjects, so lately brought under your Majesty's allegiance, with so great a degree of power." 1

Obviously Maseres' was not yet ready for Canadian judges.

(f) Procedure.— The report recommended that written procedures should be permitted in both languages.

(g) Recommendations as to settling the status of French and English Law.— The report concluded by proposing four different methods for settling the status of English and French law in the Province. These were:

- (1) A code of laws containing all the laws by which the Province was to be governed in the future to the entire exclusion or abolition of every part both of the laws of England and the French laws not set down in the code itself.<sup>3</sup>
- (2) A revival of all the pre-cession French laws to the exclusion of all English laws except those

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1. Constitutional Documents, pp. 355-356.

2. id., pp.356-357.

3. id.,p.361.



few which had been introduced by an Act of Parliament, and those which were particularly beneficial and favourable to the liberty of the subject.<sup>1</sup>

- (3) To make the English law general with certain exceptions not reduced to writing or re-enacted by new ordinances in favour of the former customs of the country.<sup>2</sup>
- (4) That the English law should be general but exceptions thereto reduced to writing.<sup>3</sup>

1.62      Carleton's dissenting report.-

As we saw, Governor Carleton refused to ratify the report his Attorney-General had drafted and submitted a report of his own. He recommended as the only method of settling the laws of the Province that property and civil rights be governed by revived French laws and that criminal matters be decided according to English law.<sup>4</sup> It should be noted in this connection that Chief Justice William Hey, in a report submitted at the same time, recommended the revival of French laws of tenure. He did not go so far, as to suggest that the whole of French civil law be restored. It should also be noted that Masères appended his objections to Carleton's suggestion that French law be re-introduced on the ground that it would endanger the policy of

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1.      Constitutional Documents, p. 362.  
2.      id., p. 362.  
3.      id., p. 362.  
4.      id., p. 370.





assimilation and anglicization.<sup>1</sup> He also envisaged practical difficulties which remind one strongly of more recent objections to bilingual administration of justice:

"In the first place, it will make it difficult for any of your Majesty's English subjects to administer justice in this province, as it will require much labour and study, and a more than ordinary acquaintance with the French language to attain a thorough knowledge of those laws.

In the next place, it will keep up in the minds of your Majesty's new Canadian subjects the remembrance of their former government, which will probably be accompanied with a desire to return to it. When they hear the custom of Paris, and the parliament of Paris, and its wise decisions, continually appealed to as the measure of justice in this country, they will be inclined to think that government to be best, under which those wise laws could most ably be administered, which is that of the French king; which, together with the continuance of their attachment to the Popish religion, will keep them ever in a state of disaffection to your Majesty's government, and in a disposition to shake it off on the first opportunity that shall happen to be afforded them by any attempt of the French king to recover this country by force of arms.

And in the third place, it will discourage your Majesty's British subjects from coming to settle here when they see the country governed by a set of laws, of which they have no knowledge, and against which they entertain (though perhaps unjustly) strong prejudices."<sup>2</sup>

He was willing, however, to recommend revival of the old French laws relating to tenure and succession, but would go no further.<sup>3</sup>

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1. Constitutional Documents, p.371.
  2. id., pp. 372-373.
  3. id., p. 374.

1. The first part of the document is a letter from the President of the United States to the Congress.

2. The second part is a report on the state of the Union.

3. The third part is a report on the state of the Treasury.

4. The fourth part is a report on the state of the War Department.

5. The fifth part is a report on the state of the Navy Department.

6. The sixth part is a report on the state of the Department of the Interior.

7. The seventh part is a report on the state of the Department of Justice.

8. The eighth part is a report on the state of the Department of Education.

9. The ninth part is a report on the state of the Department of Agriculture.

10. The tenth part is a report on the state of the Department of Commerce.

11. The eleventh part is a report on the state of the Department of the Army.

12. The twelfth part is a report on the state of the Department of the Navy.

13. The thirteenth part is a report on the state of the Department of the Interior.

14. The fourteenth part is a report on the state of the Department of Justice.

15. The fifteenth part is a report on the state of the Department of Education.

16. The sixteenth part is a report on the state of the Department of Agriculture.

17. The seventeenth part is a report on the state of the Department of Commerce.

18. The eighteenth part is a report on the state of the Department of the Army.

19. The nineteenth part is a report on the state of the Department of the Navy.

20. The twentieth part is a report on the state of the Department of the Interior.

21. The twenty-first part is a report on the state of the Department of Justice.

22. The twenty-second part is a report on the state of the Department of Education.

23. The twenty-third part is a report on the state of the Department of Agriculture.

1.63      Reversal of Board of Trade policies.-

On July 10, 1769, the Board of Trade issued a report relative to the state of the Province of Quebec which constituted a distinct reversal of its previous attitudes. The Board of Trade now took the view that the 1763 Proclamation had only been intended to ensure to the Canadians the same privileges as were enjoyed by the King's other subjects and that the requirements of the anti-catholic Test Act had been included in Murray's Commission only by inadvertence. These anti-catholic provisions rendered impracticable the constitution of a legislative assembly and the Council alone was impotent. The authors of the Board of Trade's report <sup>1</sup> commented on the ill-effects of the Ordinance of September 17, 1764:

"According to the construction put upon this Ordinance by those who framed it, it was to be understood, that not only the proceedings in these Courts were to be carried on according to the modes and forms established in the Courts in Westminster Hall, but also all the principles of the Law of England, relative to Descents, Tenure &c., which totally, or in part differed from the Antient customs of Canada, and also all those local and Municipal Laws, which have from local convenience and consideration obtained in this Kingdom, were thereby introduced into Canada, and become Laws there. In consequence of these opinions and constructions, the customs of Canada, which before governed in all suits concerning property were laid aside; and a further ill effect of the ordinance was, that, instead of that Summary and easy process, which had before been used in the adjudication of questions of this

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1. Earl of Hillsborough, Soame Jenyns, John Roberts, Edward Eliot, William Fitzherbert, Thomas Robinson and the Earl of Lisburne.

# THE HISTORY OF THE

The history of the world is a vast and complex subject, encompassing the lives of countless individuals and the events that have shaped our civilization. From the earliest times, when our ancestors first emerged from the forests and caves, to the present day, the human story has been one of constant change and growth. The history of the world is not just a record of events, but a reflection of the human condition, of our struggles, our triumphs, and our enduring quest for knowledge and meaning.

In the beginning, the world was a place of mystery and wonder, a land of uncharted territories and undiscovered resources. Our ancestors, driven by the instinct of survival, sought to understand their world and to master the elements of nature. They built civilizations, created art, and developed the sciences that would eventually lead to the modern world. The history of the world is a testament to the resilience and ingenuity of the human spirit, to our ability to overcome adversity and to create a better future for ourselves and for the generations to come.

The history of the world is also a story of the human condition, of the joys and sorrows, the triumphs and failures that have shaped our lives. It is a story of the human quest for knowledge, for understanding, and for meaning. It is a story of the human desire for a better life, for a world that is more just, more peaceful, and more beautiful than the one we were born into. The history of the world is a story that is still being written, a story that is the product of our collective efforts and our shared experiences.

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nature, it had the effect to introduce all that delay, perplexity and expence, which accompanies the lowest and most disgraceful practice in this Kingdom; and the new Subjects, who were precluded from serving on Juries, or pleading their own Causes, were compelled to entrust the prosecution of them to men unacquainted with their language and Customs, and who to the greatest ignorance added the grossest rapacity.

It is not to be wondered, that establishments, so inconsistent with the civil rights of the Canadians , and so oppressive in their operation, should have given that disgust, so strongly, and yet so respectfully expressed in their humble Address to His Majesty on this occasion, more especially, when , in a Presentment of a Grand Jury impannelled at a Quarter Sessions, they found their Religion presented , as illegal; themselves not only proscribed, as incapable of the common offices of Society, but also subjected to all the Pains and Penalties inflicted upon Popish Recusants in this Kingdom; and a right claimed by such grand Jury of being the only representative body of the Colony, and of being consulted upon all Measures of Government.

It is true indeed, that His Majesty has been graciously pleased to disapprove of such unwarrantable claims and proceedings, and to direct, that the Canadians shall be admitted to serve on Juries, and to plead as Advocates, in the Courts, but the same erroneous opinion, with regard to the extension of the Laws of England, still prevails; the Laws and customs of Canada, in respect to property, have not gained admittance into the Courts; And His Majesty's new subjects, though they have a full Confidence and reliance on His Majesty's Equity, and His paternal Regard for their interest, do yet express great uneasiness, and wait with impatience His Majesty's Determination on those points, which so materially affect their Properties, Quiet, and Happiness."1

The Report recommended that an Assembly be called ; that Canadians be allowed into the public service through the abolition of the Test requirements; and that the Council of Quebec be increased from 12 to 15 members, of which at least five should

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1. Constitutional Documents, pp. 381-382.





be Roman Catholics.<sup>1</sup> With respect to juries, the Board of Trade made an interesting recommendation that instead of impanelling Canadians indiscriminately with British-born subjects on all juries, it be provided that all criminal offences be tried by juries de medietate linguae , composed equally of Canadians and British-born subjects, except where an English-speaking accused or a Canadian should be charged with murder, in which cases all members of the jury should speak the language of the accused.<sup>2</sup>

1.64 New Ordinance for the administration of justice of 1770.-

Early in 1770 the Council in Quebec issued in both French and English an Ordinance for the more effectual administration of justice and for regulating the Courts of Law in this Province, which was ordered to be published in the Quebec Gazette. Among other things, it provided for the creation of a separate Court of Common Pleas in Montreal; for the right of party to draft their declaration or statement of claim in either French or English <sup>3</sup> and for bilingual notices of the sale of immoveables seized in execution.<sup>4</sup> A similar provision survives in Article 716 of the present Quebec Code of Civil Procedure.

1.65 Petition by French notables for restoration of French law and custom.-

At a date which it is impossible to determine exactly, but probably sometime around the return of Carleton to England

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1. Constitutional Documents, p.383.  
2. id., p.386.  
3. id., p.408.  
4. id., p.415.

The first part of the report deals with the general situation of the country. It is a very interesting and informative study of the country's development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's development.

The second part of the report deals with the economic situation of the country. It is a very interesting and informative study of the country's economic development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's economic development.

The third part of the report deals with the social situation of the country. It is a very interesting and informative study of the country's social development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's social development.

The fourth part of the report deals with the political situation of the country. It is a very interesting and informative study of the country's political development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's political development.

in 1770, 39 distinguished Canadian inhabitants petitioned the King for restoration of the laws, customs and regulation under which they had been born. They complained of the expenses which resulted from their ignorance of English procedure and demanded the right to participate fully in the government of the Colony.<sup>1</sup> It should be noted that this petition was in French.

1.66      Restoration of French Laws of Land tenure.-

The first step in the restoration of the pre-Cession laws of property and civil rights , which was to culminate in the Quebec Act of 1774, was the issue by the Imperial Government on July 17, 1771 of additional instructions to Carleton ordering him to restore the seigneurial system of land tenure:

"..... you are hereby authorized and empowered to grant, with the Advice of the Council of Our said Province, the Lands which remain subject to Our disposal, in Fief of Seigneurie, as hath been practised heretofore antecedent to the Conquest thereof; omitting however in such Grants, so to be made by you, the reservation of the exercise of such judicial Powers, as hath been long disused within Our said Province. And it is Our further Will and Pleasure that all Grants in Fief and Seigneurie, so to be passed by you, as aforesaid, be made subject to Our Royal Ratification, and also be registered within Our said Province, in like manner as was Practised in regard to Grants held in Fief and Seigneurie under the French Government."<sup>2</sup>

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1.    Constitutional Documents, pp. 419-420.
  2.    id., p. 424.







1.67      Reports of Solicitor-General Wedderburn and of Attorney-General Edward Thurlow.

By orders of the Royal Court of June 14, 1771 and July 31, 1772, Solicitor-General Alexander Wedderburn and Attorney-General Edward Thurlow were commanded "to take into consideration several reports and papers relative to the laws and courts of judicature of Quebec, and to the present defective mode of government in that Province, and to prepare a plan of civil and criminal law, for the said Province, and to make their several reports thereon".<sup>1</sup> Wedderburn's report, dated December 6, 1772, argued that a civilized conqueror only changed such laws and customs as were incompatible with the security of his acquisition and that, consequently, most French law had survived in Quebec.<sup>2</sup> He also argued that it would be unjust to deprive the large number of Canadians of their private law not inconsistent "with the principles of the new government" because of a few British settlers<sup>3</sup>. Thurlow, who reported on January 22, 1773, also felt that the wise conqueror did not disturb unnecessarily the private laws of the conquered<sup>4</sup>. He expressed the opinion that both the ancient private and criminal laws

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<sup>1</sup>Constitutional Documents, p. 424.

<sup>2</sup>id., p. 425.

<sup>3</sup>id., p. 430.

<sup>4</sup>id., pp. 441-442.



should be continued insofar as possible.<sup>1</sup>

1.68      Report of Advocate-General James Marriott.

Advocate-General James Marriott, in 1774, published a "Plan of a Code of Laws for the Province of Quebec"<sup>2</sup>. Marriott agreed that the old laws of a conquered nation remain in force until expressly abrogated. He felt that the 1763 Proclamation and Murray's Commission had been mistakingly worded because they had been copied from former instruments applicable to different situations.<sup>3</sup> It might be reasonably argued that the 1763 Proclamation made English law applicable only to new settlers in Quebec while not affecting the laws governing the existing inhabitants.<sup>4</sup> The Ordinances of September 17 and November 6, 1764, which intended to introduce gradually the whole system of English laws, were ultra vires the terms of Murray's Commission.<sup>5</sup> On the other hand, there was no doubt that insofar as penal or criminal law was concerned, English criminal law became applicable with the conquest.<sup>6</sup> With respect to the right

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<sup>1</sup>Constitutional Documents, pp. 443-444.

<sup>2</sup>id., pp. 445-83.

<sup>3</sup>id., p. 449.

<sup>4</sup>id., p. 450.

<sup>5</sup>id.

<sup>6</sup>id., pp. 453-54.

THE HISTORY OF THE  
CITY OF BOSTON

From its first settlement in 1630 to the present time. By SAMUEL JOHNSON, Esq. of the Middle Temple, Barrister at Law. In two Volumes. The first Volume contains the History from 1630 to 1780. The second Volume contains the History from 1780 to the present time. With a Plan of the City, and a List of the Magistrates and Ministers of the City. Printed and Sold by J. JOHNSON, in Pall-mall, near St. James's Church, in 1790.

Printed by J. JOHNSON, in Pall-mall, near St. James's Church.

By J. JOHNSON, in Pall-mall, near St. James's Church.

1790.

of Roman Catholics to sit in the proposed assembly, Marriott opined that this could not be done because of the existing anti-popery laws.<sup>1</sup>

While not prepared to allow Canadian judges, he agreed with the suggestion that English judges should be assisted by Canadian assessors;<sup>2</sup> that written pleadings should be in either English or French, at the option of the parties;<sup>3</sup> that French forms of procedure should be allowed in civil cases;<sup>4</sup> and that juries de medietate linguae be permitted<sup>5</sup>. He also favoured the preservation of French laws of property<sup>6</sup>. Marriott further recommended that publication of the laws of Quebec be continued in both languages<sup>7</sup>.

1.69      Further manoeuvres.

On November 29, 1773, the principal English inhabitants of Quebec City signed a petition to Lieutenant-Governor Cramahé. A similar petition was signed at Montreal on December 13, 1773.

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<sup>1</sup>Constitutional Documents, p. 461, p. 481.

<sup>2</sup>id., p. 463

<sup>3</sup>id., p. 465.

<sup>4</sup>id., pp. 465-66.

<sup>5</sup>id., p. 470.

<sup>6</sup>id., p. 472.

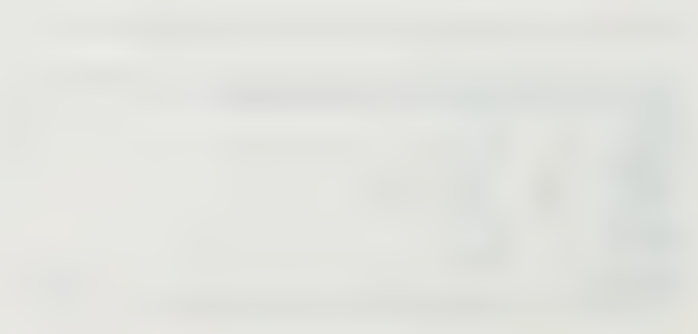
<sup>7</sup>Doutre & Lareau, op. cit., p. 668.



The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1801. The letter is signed by James Madison and is addressed to the Senate and House of Representatives. The letter discusses the state of the Union and the progress of the government since the inauguration of Thomas Jefferson.

The second part of the document is a report from the Secretary of the Navy, dated January 10, 1801. The report is signed by Robert Smith and is addressed to the Senate and House of Representatives. The report discusses the state of the Navy and the progress of the fleet since the inauguration of Thomas Jefferson.

The third part of the document is a report from the Secretary of the Treasury, dated January 15, 1801. The report is signed by Alexander Hamilton and is addressed to the Senate and House of Representatives. The report discusses the state of the Treasury and the progress of the government since the inauguration of Thomas Jefferson.



Both petitions asked that a general assembly of the Freeholders and Planters be summoned immediately. Leading French-speaking inhabitants who had been approached to sign the petition refused to do so because it was only in English and they could not understand it<sup>1</sup>. Also in December of 1773, sixty-five leading Canadian inhabitants of Quebec petitioned the King demanding the preservation of their own laws and customs, as well as the rights of full British citizenship<sup>2</sup>.

1.70      Criticism by Chartier De Lotbinière of the Quebec Bill.

The English London merchants were not alone in their criticism of the proposed Quebec Act. De Lotbinière, a prominent Seigneur also had reservations which he expressed not only in his name, but also in that of his compatriots. In his view the proposal did not go far enough. He favoured a revival of the French criminal law as well as the private law. More important, he recommended that French should be made the only official language of the Province:

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<sup>1</sup>Doutre & Lareau, op. cit., p. 699. The position of the British merchants in Quebec was supported by a pamphlet circulated by a group of London merchants trading with Quebec and issued in May, 1774: Constitutional Documents, pp. 512-22.

<sup>2</sup>Constitutional Documents, p. 504.



" Enfin un point qui merite attention et qui doit etre fixé, est que la langue françoise etant générale et presque l'unique en Canada, que tout etranger qui y irent, n'aient que ses interets en vue, il est démontré qu'il ne peut les bien servir qu'autant qu'il s'est fortifié dans cette langue, et qu'il est forcé d'en faire un usage continuel dans toutes les affaires particulieres qu'il y traite; qu'il est de plus impossible, vû la distribution des etablissemens et habitations du pais, de pretendre a y introduire jamais la langue angloise comme générale - pour toutes ces raisons et autres non détaillées, il est indispensables d'ordonner que cette langue françoise soit la seule employée dans tout ce qui se traitera et sera arrêté pour toute affaire publique, tant dans les cours de justice, que dans l'assemblée du corps legislatif &c. car il paroistroit cruel que, sans nécessité, l'on voulut réduire presque la totalité des intéressés à n'etre jamais au fait de ce qui seroit agité ou seroit arrêté dans le pais."<sup>1</sup>

Chapais commented <sup>2</sup> that De Lotbinière obviously was asking more in order to obtain less. Masères himself, the former Attorney-General, testified before a committee of the House of Commons considering the proposed Quebec Act and recommended that both French and English be permitted in court proceedings in Quebec.<sup>3</sup> But the future Quebec Act was to be silent on the subject

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<sup>1</sup> Constitutional Documents, p. 564.

<sup>2</sup> Chapais, Thomas, Cours d'Histoire du Canada, Québec, 1919, p. 62.

<sup>3</sup> Chapais, op. cit., pp. 60-61.





of language.

1.71      The Quebec Act of 1774.

The prolonged debate we have reviewed at length and the many problems which had given rise to it were finally resolved in 1774 with the passing by the United Kingdom Parliament of a law entitled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America", better known as the Quebec Act. This statute met French-Canadian demands for the preservation of their laws and customs and the elimination of impediments to Roman Catholics. It also marked the repudiation of assimilationist policies embodied in the 1763 Proclamation. Article IV of the Act declared the 1763 Proclamation and all the Ordinances repealed because they "have been found, upon experiment, to be inapplicable to the state and circumstances of the...province". The Act then embodied a veritable new constitution for Quebec:

a)      Private French law re-introduced.

Article VIII re-established French law in relation to "property and civil rights":

"...all his Majesty's Canadian subjects within the province of Quebec, the religious orders and Communities only excepted, may also hold and enjoy their property and possessions, together with all customs

### CONCLUSION

The following table shows the results of the experiment.

The results show that the system is able to detect the presence of the object in the environment.

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4. [4] S. Thrun, "Learning filters for robot navigation," *IEEE Transactions on Systems, Man, and Cybernetics*, vol. 21, no. 6, pp. 1489-1500, 1991.
5. [5] D. Borra, "A review of the state of the art of robot navigation," *IEEE Transactions on Systems, Man, and Cybernetics*, vol. 21, no. 6, pp. 1501-1512, 1991.

and usages relative thereto, and all other their civil rights, in as large, ample, and beneficial manner, as if the said proclamation, commission, ordinances and other acts and instruments had not been made and as may consist with their allegiance to his Majesty, and subjection to the Crown and Parliament of Great Britain; and...in all matters of controversy, relative to property and civil rights, resort shall be had to the laws of Canada, as the rule for the decision of the same; and all causes that shall hereafter be instituted in any of the Courts of Justice...shall with respect to such property and rights, be determined agreeably to the said laws and customs of Canada, until they shall be varied or altered by any ordinances that shall from time to time, be passed in the said province by the Governor, Lieutenant Governor or Commander in Chief, for the time being, by and with the advice and consent of the Legislative Council of the same, to be appointed in manner hereinafter mentioned." <sup>1</sup>

b) English criminal law to apply.

The criminal law of England was confirmed by Article IX:

" 'XI. And whereas the certainty and lenity of the Criminal Law of England, and the benefits and advantages resulting from the use of it, have been sensibly felt by the inhabitants, from an experience of more than nine years, during which it has been uniformly administered;' be it thereof further enacted by the authority aforesaid, That the same shall continue to be administered, and shall be observed as law in the province of Quebec, as well in the description and quality of the offence, as in the method

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<sup>1</sup> It should be noted nevertheless that a. X provided for the right to alienate both moveable and immoveable property including by way of will either according to French law or the laws of England.





of prosecution and trial; and the punishments and forfeitures thereby inflicted to the exclusion of every other rule of Criminal Law, or mode of proceeding thereon, which did or might prevail in the said province before the year of Our Lord one thousand seven hundred and sixty-four"

c) Removal of religious handicaps.

The anti-papist laws of England were curtailed in their application to Quebec. Not only was freedom of practice recognized by Article V, but the hated Test oath against transubstantiation and papal supremacy was replaced by a general oath of civil allegiance more compatible with Roman Catholic beliefs:

" ...no person, professing the Religion of the Church of Rome, and residing in the said Province, shall be obliged to take the oath required by the said statute passed in the first year of the reign of Queen Elizabeth, or any other oaths substituted by any other Act in the place thereof; but...every such person who, by the said statute, is required to take the oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following oath before the Governor, or such other person in such Court of Record as his Majesty shall appoint, who are hereby authorized to administer the same videlicet:

I A.B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to his Majesty King George, and him will defend to the utmost of my power, against all traitorous



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conspiracies, and attempts whatsoever, which shall be made against his Person, Crown, and Dignity; and I will do my utmost endeavour to disclose and make known to his Majesty, his Heirs and successors, all treasons, and traitorous conspiracies, and attempts, which I shall know to be against him or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all Pardons and Dispensations from any Power or Person whomsoever to the contrary.

So help me GOD. "1

d) No provision about language.

The Quebec Act did not contain any provision about the language permitted in judicial proceedings although the re-introduction of French law connotes an implicit recognition of the right of suitors to resort to French. Furthermore, while several provisions dealt with the adoption approval and promulgation of ordinances, no mention is made of the language or languages in which these ordinances are required to be drafted and issued.

1.72 Interpretation of the effect of the Quebec Act on French language rights.

We have seen that the Quebec Act did not refer specifically to language rights. Obviously, French law could not be restored without implicitly recognizing the need for French in judicial proceedings. But can an official recognition

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<sup>1</sup> article VII



for French be read into article VIII of the Act which reserve to Canadians the enjoyment of "their property in possessions, together with all customs and usages relative thereto, and all their other civil rights, in as large, ample and beneficial manner, as if the said proclamation ... had not been made" ? We doubt it. In the first place, one may wonder whether the British Parliament would not have called a spade a spade and would have used such devious way to recognize French. Since the matter has been repeatedly broached in the preceding debate, it can be argued that the Parliament would have referred to it specifically had it intended to deal with it. It is also doubtful that in the 18th century the expression "civil rights" would have been deemed to include language. We will have occasion to examine in detail in the next chapter whether the expression can be said to include language rights. But insofar as the Quebec Act is concerned, we are inclined to believe that it was silent on the question of language because it has ceased to be an issue. Canadian lawyers, as we have seen, had been pleading in French and using either language in written procedures. Ordinances were published in both languages. The effect of the Quebec Act was





rather to eliminate lingering doubts as to the applicable laws and to suppress obstacles to the admission of Roman Catholics to official positions.

1.73      Conclusions as to the legal status of French during the civil regime.

The assimilationist policies embodied in the 1763 Proclamation, in Murray's Commission and Instructions and in the first ordinances had failed. The attempt to attract a large scale immigration of British subjects to Quebec had not worked out. In fact, common sense had forced the authorities to make concessions in various areas, despite the objections of the English merchants in the Province and their London supporters. In the light of this rapid historical evolution and particularly in view of today's constitutional realities, the debate which preoccupied jurists for so long as to whether or not French was ever in fact abolish in Quebec may seem academic, to say the least.

Some have argued that the introduction of English law into Quebec by the 1763 Proclamation brought with it the abrogation of French as an official language<sup>1</sup>. We have seen

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<sup>1</sup> White, W.J., The Sources and Development of the Law of the Province of Quebec, Montreal, 1903, p. 17.

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however that many high British Officials maintained that local laws and customs could only be abolish by specific legislation <sup>1</sup>. This point of view was upheld by Lord Mansfield in the celebrated case of Campbell v Hall <sup>2</sup> who stated that it is an incontrovertible maxim that "the laws of a conquered country continue in force until they are altered by the conqueror.". In any case, whatever the initial impact of the 1763 Proclamation and subsequent rules was, it soon became apparent that the British Government had a change of heart and abandoned its avowed assimilationist policies.

If English was ever supposed to abrogate the use of French, both legislative and judicial practice and custom established the two languages as equals at the very least. Indeed, the English authorities themselves resorted to French in proclaiming their ordinances. This fact has even received judicial notice. Indeed, Maréchal Nantel, a former librarian of the Montreal Bar, discovered a case on point which was decided by the Court of King's Bench on January 19, 1813.<sup>3</sup> This was a case in which the Government of Lower Canada had sued Yvon Pierre Talon and others for illegally occupying land upon which the old

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<sup>1</sup> cf. 1.67 and 1.68.

<sup>2</sup> (1774) Cowp. 204; Lofft 655

<sup>3</sup> Nantel, M., "La Langue Française au Palais", (1945), 5.R. du B. pp. 201-216. The case is R. v. Talon.





fortifications of the City of Montreal had stood. Among other dilatory measures, the defence raised a preliminary exception against the writ of summons because it was drafted in French, a language which was said not to be that of the Sovereign in whose name the writ was issued. Mr. Justice Reid dismissed the exception, commenting:

"By the Court.- The French language has been used by His Majesty in his communications to His subjects in this province, as well in his executive as in his legislative capacity, and been recognized as the legal means of communication of His Canadian subjects. Courts of Justice have at all times used this language in their writs and processes as in their other proceedings, as well before as since the Ordinance of 1785.

It is for the benefit of the subjects that this was done , and the defendant cannot be permitted to say that he will not be sued in the language of his country." <sup>1</sup>

As Eugène Gosselin recently wrote:

"En fait, les parties au traité de 1763 et les autorités britanniques par la suite doivent avoir pensé qu'il était bien inutile de nier aux Canadiens Français un mode d'expression de leur vie communautaire, leur langue, une fois admis qu'ils pouvaient vivre dans une communauté politiquement et

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1. Nantel, M., La Langue Française au Palais, (1945), 5 R. du B. p. 204. Maréchal Nantel, at p. 205 reports a contrary decision rendered in 1825 by Judge Bowen of the Court of Common Pleas in Kamouraska, who held that a writ of summons drafted in French was null and void. But this judgment emanated from a Lower Court.



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socialement organisée. Les autorités britanniques firent plus qu'utiliser le français dans leurs rapports avec leurs nouveaux sujets. Ils employaient également la langue française comme leur propre langue de travail et pour leur correspondance. Rien ne satisfaisait plus la fierté britannique que de faire montre d'une connaissance du français au moins égale à celle que l'on retrouvait chez les personnes les mieux cultivées du Canada Français. On reconnaissait à la communauté canadienne française le droit à une existence qui lui était propre. Dès lors, le problème de la langue et de la culture ne constituaient pas et ne pouvaient pas constituer une problème politique au cours des quelques premières dizaines d'années d'existence de la colonie. La justice se déroulait en français. Déjà en 1764, le roi se débarrassa des traducteurs et des interprètes dans l'administration de la justice."<sup>1</sup>

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<sup>1</sup> in "L'Administration Publique dans un Pays Bilingue et Biculturel" 1963 Vol. VI, Canadian Public Administration pp. 410-11.

The first part of the paper discusses the importance of maintaining accurate records of all transactions. It is essential for the business to have a clear and concise record of all income and expenses. This will allow the business to track its financial performance over time and identify areas for improvement. The second part of the paper discusses the importance of maintaining accurate records of all assets and liabilities. This will allow the business to track its net worth over time and identify areas for improvement. The third part of the paper discusses the importance of maintaining accurate records of all taxes paid. This will allow the business to track its tax liability over time and identify areas for improvement. The fourth part of the paper discusses the importance of maintaining accurate records of all debts. This will allow the business to track its debt liability over time and identify areas for improvement. The fifth part of the paper discusses the importance of maintaining accurate records of all equity. This will allow the business to track its equity over time and identify areas for improvement. The sixth part of the paper discusses the importance of maintaining accurate records of all other financial information. This will allow the business to track its overall financial performance over time and identify areas for improvement.

3. THE PERIOD OF THE QUEBEC LEGISLATIVE COUNCIL:

1774 - 1791.

1.74 Quebec Legislative Council.-

Article XII of the 1774 Quebec Act provided for an appointive legislative Council consisting of 17 to 23 members:

"And whereas it may be necessary to ordain may regulations for the future welfare and good government of the province of Quebec, the occasions of which cannot now be foreseen, nor without much delay and inconvenience, be provided for, without intrusting that authority, for a certain time, and under proper restrictions, to persons resident there: And whereas it is at present inexpedient to call an Assembly, be it therefore enacted by the authority aforesait, That it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his or their Signet or Sign Manual, and with the advice of the Privy Council, to constitute and appoint a Council for the affairs of the province of Quebec, to consist of such persons resident there, not exceeding twenty-three, nor less than seventeen, as his Majesty, his heirs and successors shall be pleased to appoint; and upon the death, removal, or absence of any of the members of the said Council, in like manner to constitute and appoint such and so many other person or persons, as shall be necessary to supply the vacancy or vacancies which Council, so appointed and nominated, or the major part thereof, shall have power and authority to make Ordinances for the peace, welfare and good government of the said province, with the consent of his Majesty's Governor, or in his absence, of the Lieutenant Governor, or Commander in Chief for the time being." <sup>1</sup>

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1. Italics ours.

# THE HISTORY OF THE CITY OF BOSTON

FROM THE FIRST SETTLEMENT TO THE PRESENT TIME

BY SAMUEL JOHNSON, LL.D.

IN TWO VOLUMES. THE FIRST VOLUME CONTAINS THE HISTORY FROM THE FIRST SETTLEMENT TO THE YEAR 1780. THE SECOND VOLUME CONTAINS THE HISTORY FROM THE YEAR 1780 TO THE PRESENT TIME.

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The first volume of this history, which contains the account of the city from its first settlement to the year 1780, is now published. It is a work of great value and interest, and is highly recommended to all who are desirous of knowing the history of this important city. The second volume, which contains the history from the year 1780 to the present time, is also now published, and is equally valuable and interesting.

The history of the city of Boston is a subject of great importance, and one which has attracted the attention of many writers. The first volume of this history, which contains the account of the city from its first settlement to the year 1780, is now published. It is a work of great value and interest, and is highly recommended to all who are desirous of knowing the history of this important city. The second volume, which contains the history from the year 1780 to the present time, is also now published, and is equally valuable and interesting.



Since this Council was not an elective Assembly, Article XIII forbade it to lay taxes or duties except for local purposes:

" . . . . nothing in this Act contained shall extend to authorize or empower the said Legislative Council to lay any taxes or duties within the said province, such rates and taxes only excepted as the inhabitants of any town or district within the said province may be authorized by the said Council to assess, levy, and apply, within the said town or district, for the purpose of making roads, erecting and repairing public buildings, or for any other purpose respecting the local convenience and oeconomy of such town or district."

Article XVI stated that the quorum of the Council was at least half of its members. Furthermore, as we have seen, Article XIV enacted that every Ordinance should be submitted to royal approval within six months. Article XV finally prohibited Ordinances touching religion or imposing penalties greater than a fine or imprisonment for three months without prior royal approval.

1.75      Legislative Council was bilingual.-

The Quebec Act had lifted religious obstacles to the participation of Canadians in the administration of the Province. They were admitted to the Legislative Council. As a consequence, both French and English were used in the proceedings of the Council from the time of its first session in 1777. The debates and records of the Council were in both languages.

1.76      Interim system of judicature.-

Article IV of the Quebec Act had repealed all previous ordinances of judicature as of the 1st day of May, 1775.

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It is a complex one, and it is one that is not easily understood.

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Conversely, Article XVII stated that the creation of the Legislative Council should not be construed so as to prevent the British Government by Letters Patent "erecting, constituting and appointing, such Courts of criminal, civil ecclesiastical jurisdiction . . . and appointing . . . the Judges and Officers thereof." For a while, there were no courts in the Province of Quebec.<sup>1</sup> To fill the void, on April 27, 1775 Governor Carleton appointed Adam Mabane, Thomas Dunn and Jean-Claude Panet as magistrates for the District of Quebec and John Fraser, Jean Marteilhe and René-Ovide Hertel de Rouville as magistrates for the District of Montreal. They were called Conservators of the Peace. Hertel de Rouville had been a judge at Trois-Rivière under the French regime.<sup>2</sup> Panet, Marteilhe and Hertel de Rouville were thus the first French-speaking judges appointed since the abolition of the anti-catholic impediments. However, these Conservators of the Peace were soon suspended because the outbreak of war in the 13 colonies resulted in a declaration of martial law.

1.77      Civil Court re-established by Ordinance of February 25,  
1777.-

On February 25, 1777 the Governor-in-Council passed an Ordinance entitled An Ordinance to Regulate the Proceedings in the Courts of Civil Judicature in the Province of Quebec.<sup>3</sup> The Ordinance divided the Province in two judicial districts

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1.      Buchanan, op.cit., p.17.

2.      id., p.17.

3.      Constitutional Documents, Vol.II, pp. 682 et.seq.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed.

3. The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the findings of the research. The data shows a clear trend of increasing activity over time.

4. The fourth part of the document discusses the implications of the findings. It suggests that the results of the study have significant implications for the field of research and may lead to further developments in the future.

5. The fifth part of the document concludes the study. It summarizes the main findings and provides a final statement on the importance of the research.



(Quebec and Montreal) and established in each of them a Court of Common Pleas, having original civil jurisdiction. Article I of the Ordinance is noteworthy because it provided that upon presentation of a "Declaration . . . setting forth the Grounds of . . . Complaint against a Defendant, and praying an Order to Compel him to appear and answer thereto", a judge would have to grant a writ of summons in the language of the Defendant.<sup>1</sup> The Ordinance, on the other hand, did not specify in what language the Declaration, which plaintiff had to attach to the writ eventually issued, had to be drafted. It will be recalled that under the Ordinance of February 1st, 1770<sup>2</sup> the language of the writ was optional, as is the case in Quebec today under Article 119 of the Code of the Civil Procedure. On the other hand, Article XVII of the Ordinance of February 25, 1777 which outlined the procedure to be followed for publication of notices of sale of seized immoveables in the Quebec Gazette, did not indicate whether bilingual publication was required. The Ordinance of February 1st, 1770 stated that publication had to be in both languages.

1.78      Publication of Ordinances.-

On March 4, 1777, the Legislative Council passed an Ordinance - its sixth - requiring publication of all its ordinances in the Quebec Gazette.<sup>3</sup> No language was specified but the records indicate that ordinances were published in

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1. This rule was re-affirmed in the Ordinance of 1785, 25 Geo.III, c.2, discussed in the next following chapter.

2. cf. 1.49.

3. Doutre & Lareau, op.cit., p.716, referring to 17 Geo.III, c.6





both languages.

1.79      Re-introduction of mixed juries.-

In 1785 the Council passed an Ordinance establishing trials by juries in commercial actions and for personal wrongs.<sup>1</sup> Thus cases between two British-born subjects were to be tried by a jury composed of Englishmen; cases entirely between Canadians, were to be decided by Canadian jury ; and cases in which one of the parties was Canadian and the other one British-born, were to be tried by mixed jury. It should be noted that this Ordinance only dealt with civil cases and that juries de medietate linguae in criminal cases were not re-introduced until 1787.<sup>2</sup>

1.80      Provision for notation of exception to Judge's ruling on question of French Law.-

In 1787, the Council had passed an Ordinance continuing that of 25 Geo.III, c.2 discussed in the previous section for another two years and providing for the recording in both the Court of Common Pleas and in the Court of Appeal of all rulings on French

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1. 25 Geo. III, c.2; Article IX stated that a Jury Trial could be had at the option of either party in such cases and that decisions were to be made by the agreement of 9 out of 12 jurors. The Article then dealt with the composition of the jury:  
".. In all such causes and actions that may be between His Majesty's natural born subjects of Great-Britain, Ireland, or the Plantations and Provinces in America, the Juries in such causes, shall be composed of such natural born subjects as abovesaid. And in all causes and actions between his Majesty's Canadian or new subjects, the Juries shall be composed of such Canadian or new subjects. And in all causes and actions between natural born subjects, and the Canadian or new subjects, the Jury shall be composed of an equal number of each, if such be required by either of the parties, in any of the abovementioned instances.
  2. cf. 1.81.



Laws in order to provide for greater certainty:

" Wherever the opinion or judgment of the said Court of Common Pleas is pronounced upon any law, usage, or custom of the Province, the same shall in like manner be stated upon the minutes or record of the Court, and referred to, and ascertained, that the real ground of the opinion or judgment may also appear to the Court of Appeals; and upon all opinions conceived by any party to be to his injury, he shall be allowed his exception, to be preserved in the minutes, all which proceedings shall be transmitted under the signatures of the Judges, or any two of them, and the seal of the Court, that all His Majesty's subjects, and especially his Canadian subjects, by these means may be protected in the enjoyment of all the benefits secured to them for their property and civil rights, by the statute passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America," and by the Ordinance above-mentioned.

And be it further enacted by the authority aforesaid, that in all cases adjudged in the Provincial Court of Appeals where the same may be appealed to His Majesty in his privy council, and where their opinion or judgment is pronounced on any law, custom or usage of the Province, the same shall in like manner and for the same reason as herein before mentioned, be stated upon the record, or referred to and ascertained." 1

.81 Provision for mixed juries in criminal cases: 1787.-

In the same year the Council adopted an Ordinance declaring that in criminal cases the court had discretion to order that at least one-half the jury be composed of persons speaking the language of the accused:

"Whereas it is difficult to find Jurors in the town of Quebec and Montreal, who are proprietors of freehold; It is enacted by His Excellency the Governor and Legislative Council, that in all inquests and trials by Jury in

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1. 1787, Geo.III, c.4. This Ordinance was continued until April 30,1791 by an Ordinance of 1789, 29 Geo. III, c. 3.



# THE HISTORY OF THE UNITED STATES

The history of the United States is a story of growth and change. From the first settlers to the present day, the nation has evolved through various stages of development. The early years were marked by exploration and settlement, followed by a period of rapid expansion and industrialization. The American Revolution and the Civil War were pivotal moments in the nation's history, shaping its identity and values. The 20th century brought significant social and political changes, including the rise of the American Dream and the challenges of the Cold War. Today, the United States continues to grow and adapt to a globalized world.

The United States is a country of diverse people and cultures. Its history is a tapestry of different experiences and perspectives. The story of the United States is not just one of progress and achievement, but also of struggle and sacrifice. It is a story that continues to inspire and challenge us today.

The United States is a country of opportunity and hope. Its history is a testament to the power of the American Dream. The story of the United States is a story of resilience and perseverance. It is a story that reminds us of our shared values and the importance of unity.

The United States is a country of freedom and justice. Its history is a story of the pursuit of the American Dream. The story of the United States is a story of the power of the individual. It is a story that reminds us of our shared values and the importance of democracy.



Criminal Cases, it shall be no good challenge or exception that the Juror is not a freeholder, if such Juror, being otherwise qualified, is in the actual possession of lands, tenements, or real estate, charged with, and paying an annual rent of fifteen pounds or upwards, and upon any such inquest or trial the defect of the pannel in petty Jurors, so qualified, may be supplied, as often as it happens, by a tales, as in other ordinary cases, at the discretion of the Court, in such manner as the said Court shall adjudge proper, to give the party prosecuted, in any Criminal Cause, Jurors, for his trial, one half of whom, at the least, may in the judgment of the Court, be competently skilled in the language of his defence, if the same be either the English or French language. . ." 1

In other words, in criminal trial the accused was not permitted to insist upon a jury composed entirely of persons speaking his own language.

1.82 Rules of Quebec Court of Appeals providing for bilingual appeal.-

At a sitting of the Quebec Court of Appeal held on January 29, 1788, general rules of practice were adopted. Of particular interest is a provision that all reasons for appeal should be in both languages.<sup>2</sup>

1.83 Abuses of French judges.-

Under the Quebec Act bilingualism was the rule in judicial proceedings and records. If a few isolated instances are an indication, it may have been the right to use English rather than French which was sometimes jeopardized. On November 10, 1787,

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1. 1787, 27 Geo.III, c.1.  
2. Doutre & Lareau, op.cit., p.742.

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Sir Guy Carleton, now Lord Dorchester, wrote to Viscount Sydney that in consequence of an address and petition an inquiry had been ordered to be made the Chief Justice into charges relative to the administration of justice, and particularly the conduct of certain judges of the Court of Common Pleas. This inquiry began on June 11, 1787 and concluded November 6, of the same year.<sup>1</sup> In the course of the proceedings before Chief Justice William Smith of the Court of Appeal at Montreal, testimony was offered by knowledgeable witnesses that the language rights of suitors were not always respected in the Court of Common Pleas. Judge Hertel de Rouville, whom we had already referred to,<sup>2</sup> was apparently irresponsible or incompetent in this regard. The following question was put to Mr. Le Pailleur, French Clerk of the Court of Common Pleas at Montreal:

"Question. 9. Etoit il permis aux différens praticiens de pour suivre et défendre oralement leurs Causes respectives dans la même Langue, en laquelle étoient leurs Plaidoyers Ecrit? ou Nonobstant qu'on permettoit aux praticiens Anglois nétoient-ils pas obligés d'en traduire quelques uns, et ne leur atil point été ordonné par la Cour de s'adresser au Siège et aux Praticiens Canadiens en Langue Française, déclarez."<sup>3</sup>

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1. The Dominion Archives, Q.Series, vol. 29, Part I, p.1.

2. cf. 1.76

3. The Dominion Archives, Q. Series, vol. 29, Part I, pp. 189-90.





Le Pailleur's reply to the question was as follows:

"Il se remet que Mr de Rouville aprié les Avocats de traduire (sic) leurs plaidoyers, comme il n'entendoit pas parfaitement l'Anglois ou de repêter en françois ce qu'ils avoient dit en Anglois."<sup>1</sup>

Mr. John Burke, English Clerk of the Court of Common Pleas at Montreal, was also examined. The following exchange of questions and answers occurred:

"Question 2<sup>o</sup>. Do you think Mr. Judge Southouse sufficiently skilled in the French Language for the dispensation of Justice on proceedings had in the said Court in the French Language?

Ad. 2. He does not think that he can without assistance, having applied often for assistance, information, and explanation to understand what passed, but that he has informed the deponent often, that by reading French writings he understood their scope and contents, and that he known him to have received the assistance of Mr. de Rouville in translating what had passed in French.

. . . 3. Have you, or have you not heard Mr. Judge Rouville silence or stop the Lawyer or Advocate who has been explaining to Mr. Southouse what the parties or witnesses said, and declare the he the said Judge would Explain to Mr. Southouse, and so did explain.

Ad. 3. I think he has.

. . . 4. Do you think Mr. Judge Rouville understands or is skilled in the English Language?

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1. The Dominion Archives, Q. Series, vol. 29, Part I, p. 190.



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Ad. 4. He thinks that he has some knowledge of it but that he is imperfectly skilled in it."<sup>1</sup>

Judge de Rouville's conduct was also put in question as a result of evidence brought by Mr. William Dummer Powell, and advocate who later became Chief Justice of Upper Canada. In the examination of Powell, the following exchange took place:

"Interrog: 49. Have the respective Practitioners been allowed to prosecute and defend their Causes at the Bar in the same Language in which their written pleadings were, or have not the English Practitioners, notwithstanding their written pleadings, been ordered by the Court to address themselves to the Bench and the Canadian Practitioners in French? Declare.

Ad. 49. The English practitioners have been obliged to address themselves to the Bench in the French Language, although two or three Judges were old subjects, and it has more than once happened to myself that having been obliged to address myself to the Bench in the French tongue when only Messrs. Southouse and De Rouville were present the latter has translated what I have said, into very good English for Mr. Southouse, who does not understand French."<sup>2</sup>

De Rouville also once forced an English defendant without counsel to give evidence in his own case in French, despite the latter's protests. This incident was reported as follows

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1. The Dominion Archives, Q. Series, vol. 29, Part I, pp. 192-193.

2. Id., vol. 30, Part II, pp. 417-418.

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before the Commission of Inquiry:

"I was served with a Summons in the French Language to appear at Court in the suit of Eustache Prevost on the 12 'Decem.' 1777. I made it a part of my Plea that I was an English-man & by the Law of the Province could not be bound to answer in the French Language. I was compelled to answer in the French Language, & I prayed for my Evidences to be summoned & heard, the Summonses was granted but the Season of the year could not admit of some of them being served as they lived at a distance from the City; I afterwards pray'd for an Arbitration, this was granted, and on the 27th of March 1778, Judgment was pronounced against me without any Report of the Arbitration being returned to Court, or any Evidences examined or any of them. Some time after, Execution was issued, my Property was seized and full payment made to Ant. Foucher Esqr.. The Attorney against me was S. Sanguinet Esqr. I had no Atty. and all the proceedings in this Cause was under the direction of the Hon'ble Hertel De Rouville Esqr." 1

Finally, Mr. James Walker, an English-speaking practitioner was questioned, and complained,

"The English Practitioners have been absolutely obliged to plead in French, and frequently to have their written pleadings translated into that Language, which has been attended with a heavy expence to their clients, & I know not an instance of the Canadian practicers being obliged either to speak, or to translate or cause their pleadings to be translated into English for the information of the English Judges."2

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1. The Dominion Archives, vol. 30, Part II, p. 446.
  2. Id., vol. 30, Part III, pp. 725-726.





1.84      Bilingual court registers and minute books.-

In both Quebec and Montreal French and English clerks kept their books separately. The general rule was for the case to be entered in the book kept in the language of the defendant, but in practice it was impossible to divide court business according to language.<sup>1</sup> Occasionally the clerks had to substitute for each other because of absence due to illness or other cause. Seeing that lawyers were by rule allowed to plead in either language, a loose bilingualism developed which played havoc with the minute books. In one judgment the judges started in English, lapsed into French for a couple of sentences, and then once more reverted to English.<sup>2</sup> On considering the circumstances, it is strange that both the two Quebec clerks and LePailleur in Montreal disclaimed an adequate command of both languages.<sup>3</sup> Professor Hilda Neatby reports that the only well-kept registers and minute books were those of John Reid, who assumed the office of Clerk at Montreal in 1787.<sup>4</sup>

1.85      Linguistic problems in the Court of Appeal.-

The Provincial Court of Appeal was hampered in its deliberations by the fact that not all of its members knew both languages. Decisions were not in all cases based on the individual judgment of the members of the Court. This could not be, because documents and pleadings might be in either language, and though the English-speaking members were bilingual, some of their Canadian

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1. Neatby, Hilda; The Administration of Justice under the Quebec Act, Minneapolis, 1937, p. 131.
  2. Id., p. 131; see also the Dominion Archives, vol. 32, pp. 363-364.
  3. Id., p. 131; see also the Dominion Archives, vol. 29, pp. 807, 814; vol. 30, p. 173.
  4. Id., p. 131. A detailed analysis of judicial records from 1775 to 1791 is to be found in Neatby, op. cit., pp. 358-65.

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colleagues were not. The latter on occasion had to depend on the hasty verbal account of an obliging English brother.<sup>1</sup>

1.86      Provision for court interpreter.-

Some provision was made for official translation services in the administration of justice under the Quebec Act. Professor Neatby reports that during the period 1777 to 1786 an interpreter for all the provincial courts was paid an annual salary of 80 pounds, which, at that time, was a fairly handsome income.<sup>2</sup>

1.87      Bilingual torture.-

Buchanan in his book The Bench and Bar of Lower Canada reports the following instance of bilingualism as practised in the Court of King's Bench:

"At a session of the Court held in 1784, it is recorded that the Sheriff reminded the Court that all persons sentenced to be "burned in the hand in the Court of King's Bench may receive their punishment in this Court agreeable to sentence." The punishment consisted in the prisoner being brought from the gaol into the court-room and made firm by an iron band at the back of the dock, the palm part of his own hand being opened. The red-hot iron, sometimes ending either in a crown or some other device, was held ready by the common hangman, and the punishment was inflicted in the centre of the palm. The instrument being ready, the prisoner was informed that the moment it touched his flesh, he could repeat as fast as he could the words "Vive le Roi" three times and at the end of the third repetition, the punishment would cease, or the words "God save the King," if he were an English prisoner."<sup>3</sup>

Buchanan does not specify whether it was sufficient to cry "God save

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1. Neatby, op. cit., p. 138.

2. Id., p. 334.

3. op. cit., pp. 23-24.





the King" once or if no special value was attached to the English version, so that it too would have had to be uttered three times.

1.88      Preservation of old French laws in case reports.-

In 1790 provision was made for the adequate maintenance and protection of laws and court records dating from before the Cession since these documents were in danger of either loss or damage. An Act for the better preservation of the ancient French records<sup>1</sup> was adopted and read in part:

"WHEREAS there are several hundred volumes of Papers, Manuscripts and Records, very interesting to such of the inhabitants of this Province, as hold property under Titles acquired prior to the conquest, which ought so to be disposed of, as to give a cheap and easy access to them; and it is expedient that they be kept in a state of preservation and safety, and that measures be pursued to make them known and useful; and whereas the ancient records of the District of Montreal require a speedy attention to preserve them from danger and ruin, and the erection of the New District of Three Rivers, separated from the Districts of Quebec and Montreal renders it necessary to restore to the said District of Three Rivers, such of the Public Records as may be found elsewhere and more immediately concern the inhabitants of the said district of Three Rivers: be it therefore enacted by His Excellency the Governor and the Legislative Council, and it is hereby enacted by the authority of the same, that it shall and may be lawful, for the Governor or Commander in Chief, for the time being, by and with the advice of the Council, to make orders from time to time touching the arrangement, removal, digesting, printing, publishing, distributing, preserving and disposing of the same papers, manuscripts, and records, or any parcel thereof; and every person possessed of any of the said papers, manuscripts and records, anciently appurtenant to any Public Office or deposit, prior to the conquest,

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1. 1790, 30 Geo. III, c. 8.



1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed.

3. The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the findings of the research. The data shows a clear trend of increasing activity over time.

4. The fourth part of the document discusses the implications of the findings. It suggests that the results have significant implications for the field of study and may lead to further research in this area.

5. The fifth part of the document provides a conclusion and summarizes the main points of the study. It reiterates the importance of accurate record-keeping and the need for ongoing research in this field.

The following table shows the results of the experiment. The data indicates a steady increase in the number of transactions recorded over the period of the study. This suggests that the system is being used more frequently and that the data is being collected more accurately.

The results of the experiment are as follows:

Time Period	Number of Transactions
1st Quarter	120
2nd Quarter	150
3rd Quarter	180
4th Quarter	210

The data shows a clear upward trend, indicating that the system is being used more frequently and that the data is being collected more accurately. This suggests that the system is effective and that the data is reliable.

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who shall surrender the same, as by such order may be required, shall be as justifiable therefor in the law, as if the same were delivered up in pursuance of any Act or Ordinance for such purpose specially made and provided; and it shall be as unlawful for any person possessed of any such public paper, manuscript or record, to withhold or detain the same contrary to such order, as if the same was withheld and detained against any Act or Ordinance of the Legislature, expressly commanding the surrender and restitution of the same, to the proper Office to which the same might belong or appertain."

1.89      Loyalist immigration to Canada and demands for recognition of English rights.-

The victory of the 13 colonies in the American war of Independance led to a massive emigration to Canada of those whose loyalties lay with the British Crown rather than the new Republic. While these Loyalist elements were not solidly English-speaking or Protestant (there were large German groups among them, and many of the Highlanders were Catholic and spoke Gaelic), they were accustomed to traditional British freedoms. Their views and attitudes were those of the American colonies from which most of them had come. They were not satisfied with an appointive Council. They soon began to press for a new and free constitution, particularly for a representative assembly. Those émigrés living in that part of Quebec which was to become Upper Canada demanded a separate province and a local assembly to rule it. The French-Canadians were indifferent to an assembly, which they had never had before. The English-speaking minorities in Montreal, Sorel and Quebec, on the other hand, were avid for an assembly to be chosen entirely among themselves. They opposed a separate province on the Upper St. Lawrence, fearing that they would be swamped by the French

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SUBJECT: [Subject]  
[The following text is extremely faint and largely illegible. It appears to be a formal letter or report, possibly containing a title, address, and several paragraphs of text. The text is too blurry to transcribe accurately.]

majority in Lower Canada.<sup>1</sup> Assimilationist tendencies again appeared. The Montreal Herald in 1789 carried an article by Isaac Ogdon, a young Quebec lawyer who was in England at the time. An excerpt from the article, which first appeared in the London Evening Post, reads as follows:

"The Canadians are to be considered as attached to their former government. Facts during the late war clearly support this assertion. Nothing will have greater tendency to anglify them than illiminating their understandings, when they will discern the advantages resulting from the mildness of a British Government. To effect this, free public schools ought to be established in different parts of the province to teach the inhabitants the English language. The laws of England ought to be introduced; and to make it the interest of the inhabitants to learn the English language, all the proceedings of the courts of law ought to be in English. And every measure should be taken to root out the predilection which they still retain for their former king and government."<sup>2</sup>

In a letter which he wrote to Evan Nepean on February 9, 1789, Hugh Finlay ventured a thought which showed that dreams of anglicization of Quebec were not dead. He said, "we might make the people entirely English by introducing the English language. This is to be done by free schools, and by ordaining that all suits in our Courts shall be carried on in English after a certain number of years."<sup>3</sup>

The state of affairs in Canada became such that the

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1. Raddall, Thomas H., The Path of Destiny, Canada from the British Conquest to Home Rule, 1763 to 1850; Toronto, 1957; pp. 104-105.
  2. Burt, A.L., op. cit., p. 486.
  3. Constitutional Documents, p. 961.



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Quebec Act could no longer satisfy both national groups.

English-speaking and Loyalist elements were anxious for an assembly and the rule of British law; and experience had shown that the French-Canadians would not readily give up their laws, nor their language. The Imperial Parliament sought to resolve the potential conflict and insure the tranquility of British North America by passing the Canada Act, also known as the Constitutional Act, of 1791. This statute effected a political and territorial separation of the Province of Quebec which corresponded to the linguistic and cultural division. It will be discussed hereinafter.

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C. THE CONSTITUTIONAL REGIME: LOWER AND UPPER CANADA  
(1791 -- 1840)

Provisions of the Constitutional Act of 1791.-

1.90 The primary purpose of the Constitutional Act of 1791 was to divide what was then the Province of Quebec into Upper and Lower Canada. It was hoped that the division would result in giving the English and American colonists a majority in Upper Canada and to the French-speaking Canadians a majority in Lower Canada.<sup>1</sup> This was particularly important since s. 2 of the Act provided that there should be in each province a Legislative Council appointed and an Assembly elected which should have power "to make laws for the peace, welfare and good government thereof". Section IV gave to Canadians full right to sit on the Legislative Council of either Province:

"... no person shall be summoned to the said Legislative Council, in either of the said provinces, who shall not be of the full age of Twenty-one years, and a natural-born Subject of his Majesty, or a subject of his Majesty naturalized by Act of the British Parliament, or a subject of his Majesty, having become such by the Conquest and Cession of the Province of Canada."

Section XXII guaranteed conversely the right to vote of French-Canadians:

"... no person shall be capable of voting at any Election of a member to serve in such Assembly, in either of the said provinces, or of being elected at any such Election, who

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1. Chapais, Thomas, op. cit., p. 48.

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shall not be of the full age of twenty-one years, and a natural born subject of his Majesty, or a subject of his Majesty naturalized by Act of the British Parliament, or a subject of his Majesty, having become such by the Conquest and cession of the Province of Canada."

While there was no express provision in the Act concerning the French language, the latter was recognized inferentially in certain provisions. For instance s. XXIX stated that the oath of a member of the Legislative Council or Assembly could be administered in either language, and s. XXIV that electors could be sworn in, in either English or in French.

Section XXXIII decreed in the following terms that existing laws remained unchanged in both provinces until decision to the contrary by the Parliaments of each of them:

"... all Laws, Statutes and Ordinances, which shall be in force on the day to be fixed in the manner herein-after directed for the commencement of this Act, within the said Provinces, or either of them, or in any part thereof respectively, shall remain and continue to be of the same force, authority, and effect, in each of the said provinces respectively, as if this Act had not been made, and as if the said Province of Quebec had not been divided; except in so far as the same are expressly repealed or varied by this Act, or in so far as the same shall or may hereafter, by virtue of and under the authority of this Act, be repealed or varied by his Majesty, his heirs or Successors, by and with the advice and consent of the Legislative Councils and Assemblies of the said provinces respectively, or in so far as the same may be repealed or varied by such temporary Laws or Ordinances as may be made in the manner herein-after specified."





1.91      Battle over the speakership of the Legislature of Lower Canada.-

The first sitting of the first Legislature of Lower Canada took place at Quebec on December 17, 1792. Out of 50 deputies, 34 were French Canadians.<sup>1</sup> In English parliamentary tradition the Speaker of the House was known as "the first commoner", or the foremost of the citizens who constituted the Commons. A Commons of Lower Canada had been created by the Constitutional Act. Furthermore, the immense majority of the electorate of the province was of French origin. It would thus have seemed reasonable that the first commoner should be a man of this origin. Yet there was major opposition to the election of a French-speaking Speaker of the Lower Canada House. In the words of Chapais:

"Malheureusement les représentants de la minorité anglaise ne comprirent pas que les convenances politiques devaient leur faire adopter une attitude d'acquiescement sincère à la situation que leur faisaient les circonstances. Ils ne surent pas discerner que cet acquiescement, hommage à la majorité, serait non seulement un acte de justice, mais de plus un acte d'habileté en vue de l'avenir."<sup>2</sup>

However, the English-speaking deputies were too short-sighted to be tactful. The battle for the Speakership took place in the following manner. Messrs. Dunière and De Bonne had proposed

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1. Chapais, op. cit., p. 48.

2. Id., p. 49.



Jean-Antoine Panet as Speaker. This was countered by the McGill nomination of William Grant. Mr. Lees nominated McGill and Walker nominated Jordan. This spate of nominations by the English-speaking minority set-off the first parliamentary debate in Lower Canada. The debate, of course, had implications beyond the election of Speaker whose command of either language would be a source of convenience to his confrères. Rather, it revolved around what was to be the official tongue of the Colony more than 30 years after its conquest by an alien power. One of the most startling events of the debate was a declaration by Pierre-Louis Panet, a cousin of the candidate proposed by Dunière and De Bonne, in favour of making the English language official. His words were as follows:

" 'Je dirai mon sentiment sur la nécessité que l'orateur que nous allons choisir possède et parle également les deux langues. Dans laquelle doit-il s'adresser au gouverneur? Sera-ce dans la langue anglaise ou française? Pour résoudre la question je demande si cette colonie est ou n'est pas une colonie anglaise? Quelle est la langue du souverain et de la législature dont nous tenons la constitution qui nous rassemble aujourd'hui? Quelle (sic) est le langage général de l'empire? Quel est celui d'une partie de nos concitoyens? Et quel sera celui de l'autre et de toute la province en général à une certaine époque? Je suis Canadien, fils de Français, ma langue naturelle est la française, car grâce à la division toujours subsistante entre les Canadiens et les Anglais depuis la cession du pays, je n'ai pu savoir qu'imparfaitement la langue de ces derniers. Ainsi mon témoignage n'est pas suspect.' On conçoit quelle satisfaction devait causer aux représentants de l'élément anglais cette adhésion inattendue, et par contre quelle irritation devaient ressentir les députés canadiens-français. Cette irritation dut s'accroître encore quand M. Pierre-Louis Panet, continuant son discours, fit cette déclaration stupéfiante: 'Je dirai qu'il y a une nécessité absolue pour les Canadiens d'adopter avec le temps la langue anglaise, seul moyen de dissiper la répugnance et les soupçons que la diversité de langage entretiendra toujours entre deux peuples réunis par les circonstances et forcés de vivre ensemble. Mais en attendant cette







heureuse révolution, je crois qu'il est de la décence que l'orateur dont nous ferons le choix puisse s'exprimer dans la langue anglaise lorsqu'il s'adressera au représentant de notre souverain.' " 1

Jean-Antoine Panet, the French-speaking candidate was in a delicate position. He had acquired only a restricted familiarity with the English language. He intervened in the debate to declare that the King of England spoke all languages and had concluded treaties with all nations in their own languages as well as in English; that the islands of Jersey and Guernesey were French and that any objection founded on the language of a member could not prevent him from being Speaker.<sup>2</sup>

However, the French-speaking deputies could not back down especially in view of the turn which the discussion had taken. Joseph Papineau arose to declare:

" ... nous avons sans doute le bonheur de composer une branche de l'empire britannique, mais qu'on ne pouvait pas supposer qu'aucun Canadien dût être privé de ses droits parce qu'il n'entendait pas l'anglais."<sup>3</sup>

Following Papineau's speech, William Grant proposed an immediate adjournment of the debate. However, the Canadian majority was resolved to see the issue through, and insisted that the vote be taken then and there on the motion to elect Panet. Accordingly, the motion to adjourn was defeated and the vote on the principal motion then took place with this result: 28 to 18 in favour of Panet.

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1. Chapais, op. cit., pp. 51-52.

2. Id., p. 53.

3. Ibid..

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We have received your letter of [Date] and we are very grateful for your response.  
We are currently working on a project that is related to [Topic] and we would like to know more about your work in this area.  
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Enclosed for you are [Number] copies of the [Document] that we discussed in our meeting.  
We are also enclosing for you a copy of the [Document] that we discussed in our meeting.  
We are looking forward to hearing from you again and we are sure that you will provide us with the information we need.

Sincerely,  
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The 16 English-speaking representatives had formed a "bloc", and two French-speaking deputies, Pierre-Louis Panet and M. Dambourgès, had joined them. Chapais said of the event:

"Trente-deux ans après la conquête, qui pouvait faire craindre notre annihilation, il proclamait avec éclat notre survivance nationale." <sup>1</sup>

1.92      Battle over the official language of record and statutes in the Legislature of Lower Canada.-

The debate as to the language to be spoken by the Speaker of the House only foreshadowed the more serious question of what was to be the language of its proceedings and the publication of statutes. After the Lieutenant-Governor had delivered the speech from the Throne, the Legislative Assembly got down to the task of drawing up its rules and standing orders. It was then that the serious question of language arose. From the beginning of the British domination until the debate on the election of the Speaker the question of language had never entered the realm of public controversy, because until then the practice of respecting French in the administration of justice and in the publication of laws had given no cause for alarm.<sup>2</sup> Because the legal status of the French language had never been a matter of dispute, it was indeterminate. Most of the attention during the Civil Regime had been concentrated on the use of French in the courts. However, Baron Masères foresaw the use of French in the Assembly.<sup>3</sup> From the very first session

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1. Chapais, op. cit., p. 54.

2. Id., p. 55.

3. Id., p. 59 and cf. 1.51.

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of the Legislative Assembly of Quebec held on December 17, 1792, the practice was to use both languages. When at this first session the Lieutenant-Governor invited the Assembly, which he had summoned to the Legislative Council Chamber, to choose a Speaker for itself, this invitation, as reported in the minute of that day, was repeated in French by his order and in his presence.<sup>1</sup>

The motion made by Mr. James McGill to postpone the election by one day was also repeated in French, and the amendment of Pierre-Louis Panet, originally made in French, was translated into English. It thus appears that the usage of both languages was admitted without dispute at the very beginning of the new Constitutional Regime without any formal decision of the House, and the practice was the same with regard to Bills.<sup>2</sup>

The first discussion on the language of Bills took place on December 27, 1792 on the occasion of a resolution proposed by Mr. Grant, which as amended by Mr. Joseph Papineau, was passed. The French version of Grant's motion was as follows:

"Que le comité de toute la Chambre chargé de corriger ses procès-verbaux (ou journaux) reçoive instruction, à l'égard de l'acte qu'il dressera des délibérations de cette chambre depuis le commencement de la session jusqu'au jour du renvoi, de le rédiger en langue anglaise, cela étant nécessaire pour la minorité, et que la traduction en soit faite en langue française pour l'usage de ceux qui la voudront avoir."<sup>3</sup>

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1. Chapais, op. cit., p. 63.

2. Ibid..

3. Ibid..





The resolution was finally adopted by a vote of 21 to 15 on the motion of Mr. Grant who accepted Papineau's amendment. The amended motion was the same as the original until the words "en langue anglaise", the rest being modified as follows:

"Ou en langue française, selon le texte consigné dans le registre des minutes, sans que cela constitue un précédent pour l'avenir."<sup>1</sup>

During the preparation of the Regulations for the conduct of the Assembly there was diversity of opinion on the mode of using both languages. However, there was none as to the usage itself. Article 9 as first drafted did not speak of language at all. It merely declared that no motion could be discussed unless the Speaker had first read it from the Chair. However, the House passed without debate the motion to give it reading in both languages. The French text of the article as finally adopted by a majority of 33 to 7 was as follows:

"Aucune motion ne sera discutée ni mise aux voix, à moins d'être rédigée par écrit et appuyée, l'orateur en donnera lecture en anglais et en français, s'il possède les deux langues; sinon il en donnera lecture dans celle des deux langues qui lui sera familière, et la lecture dans l'autre se fera à la table par le greffier ou son adjoint, avant toute discussion."<sup>2</sup>

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1. Chapais, op. cit., p. 64.

1. Ibid.



In January 1793 a committee was formed to prepare draft regulations for the procedure of the House. The members of this committee were Messieurs Papineau, Richardson, Grant, Walker, Young, McGill, de Bonne, de Lotbinière, and de Rocheblave. One of the questions which this committee had to consider was the language in which the proceedings of the House were to be recorded. de Bonne drew up the following draft motion:

"Considérant que l'assemblée de cette province est composée d'Anglais et de Canadiens, que la plus grande majorité des électeurs et des représentants sont Canadiens qui ne parlent et n'entendent que la langue française; que les anciennes lois, coutumes et usages de ce pays ont été conservés par l'Acte de la 14<sup>e</sup> année de George III, chap. 83, avec l'introduction des lois criminelles d'Angleterre en cette province; que l'acte de la 3<sup>e</sup> année de Sa Majesté, chap. 31, n'a fait aucun changement à cet égard, mais une provision concernant les droits du clergé protestant; que la conséquence de ces actes est que les lois qui nous gouvernent sont en deux langues, et que les actes à statuer par la législation de cette province résulteront de ces différentes lois; que les circonstances imposent une nécessité d'établir un principe qui ne répugne ni à la justice ni à la raison de la chose; que ce principe devant être puisé dans les actes du parlement qui ont rapport à notre province, et dans les intentions bienfaisantes de notre très gracieux souverain, qui n'a en vue que le bien général de tous ses sujets indistinctement et la sûreté et conservation de leurs propriétés; (il est) résolu que cette chambre tiendra son journal en deux registres dans l'un desquels les procédés de la chambre et les motions seront écrits en langue française avec la traduction des motions originairement faites en langue anglaise, et dans l'autre seront entrés les procédés de la chambre et les motions en langue anglaise, avec la traduction des motions originairement faites en langue française"<sup>1</sup>

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1. Chapais, op. cit., pp. 63-65.





The rationale behind the foregoing motion was that the laws of Lower Canada had a double origin, the civil law being French, and the criminal law being English. The Legislature like the population was composed of two elements, one English, and one French. Accordingly the journals of the House should be kept in both languages. The rule proposed did not imply the primacy of either language. Nevertheless the English minority in the House attempted to make the English language official, to the exclusion of the French. On January 21, 1793, after a motion had been made to the effect that de Bonne's draft rule be adopted by the House, Mr. Richardson proposed, as an amendment, the following words:

"Mais quoique le journal soit ainsi tenu en anglais et en français, et tout bill qui peut être introduit ou lois qui peuvent être statuées seront traduits d'une langue à l'autre, à tel point de leur progrès qui sera déterminé, cependant afin de préserver cette unité de langue légale indispensablement nécessaire dans l'empire, et touchant tel changement en icelle une législature subordonnée n'est point compétente, l'anglais sera considéré le texte légal."<sup>1</sup>

The proposed amendment set off a lively debate, which lasted for three days. Those who spoke in favour of the English amendment were Richardson, Pierre-Louis Panet, Grant, McGill, Lees and Young. On the French side were de Bonne, Papineau, Bédard, de Lotbinière, Taschereau and de Rocheblave. The complete report of this debate does not survive. However, the Quebec Gazette carried the following comment:

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1. Chapais, op. cit., pp. 65-66.

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS AND ARCHITECTURE

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"Ceux qui ont parlé le plus et le mieux pour le texte anglais ont été MM. Richardson, Pierre-Louis Panet, Grant, McGill, Lees et Young, et pour le texte français MM. De Bonne, Papineau, Bédard et les papiers sus-mentionnés. Les arguments produits en faveur de la langue de l'empire m'ont paru solides, substantiels et conclusifs; ceux de l'autre côté de la question m'ont semblé être des déclarations spécieuses qui s'écartaient du but de la question. Ceux qui ont argué en faveur de la langue anglaise ont défié de bonne foi les autres de faire voir qu'une prétention telle que celle de statuer les lois dans une langue étrangère ait jamais été accordée par la nation britannique à aucune autre colonie ou province de l'empire, ou que d'autres nations aient procédé sur une maxime telle que celle que l'on réclama. Ils ont affirmé que depuis la conquête nos lois ont été uniformément faites en anglais avec une traduction française, et que nulle pétition de cette province au trône ou au parlement ne s'en était jamais plainte comme un grief. Suivant mon humble opinion ces points exigeaient une réfutation explicite avant qu'aucun autre argument pût être écouté par aucun homme impartial. Assurément personne ne sera assez hardi pour soutenir que nous pouvons avec décence ou de droit insister sur cette prétention s'il n'en a jamais été accordé une pareille à aucun autre peuple."

The records of the speeches of Papineau, de Bonne and Bédard have disappeared. However, those of de Lotbinière, de Rocheblave and Taschereau which were published in the Quebec Gazette indicate the zeal with which the French party defended the cause of its language. de Lotbinière began his speech as follows:

"Le plus grand nombre de nos électeurs étant placés dans une situation particulière, nous sommes obligés de nous écarter des règles ordinaires et de réclamer l'usage d'une langue

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1. Chapais, op. cit., pp. 66-67.





qui n'est pas celle de l'empire; mais aussi équitable envers les autres que nous espérons qu'on le sera envers nous-mêmes, nous ne voudrions pas que notre langue vînt à bannir celle des autres sujets de Sa Majesté. Nous demandons que l'une et l'autre soient permises."<sup>1</sup>

He replied to the arguments of his English-speaking adversaries by reminding them that all British subjects were equal, regardless of the language they spoke:

"Non, M. le président, ce n'est point ainsi qu'il faut peindre notre roi; ce monarque équitable saura comprendre tous ses sujets, et en quelque langue que nos hommages et nos vœux lui soient portés, quand nos voix respectueuses frapperont le pied de son trône il penchera vers nous une oreille favorable et il nous entendra quand nous lui parlerons français. D'ailleurs, Monsieur, cette langue ne peut que lui être agréable dans la bouche de ses nouveaux sujets, puisqu'elle lui rappelle la gloire de son empire et qu'elle lui prouve d'une manière forte et puissante que les peuples de ce vaste continent sont attachés à leur prince, qu'ils lui sont fidèles, et qu'ils sont anglais par le cœur avant même d'en savoir prononcer un seul mot."<sup>2</sup>

He continued his speech by noting that the intent of the British Parliament in passing both the Quebec and Constitutional Acts was to preserve for the Canadians the free use of their language. With reference to the former statute, he said,

"... peut-on croire qu'en nous assurant tous nos droits de citoyens, qu'en nous conservant toutes nos lois de propriété, dont le texte est français, il refuserait de nous entendre quand nous lui parlerons dans cette langue, ..."<sup>3</sup>

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1. Chapais, op. cit., p. 67.

2. Id., p. 68.

3. Id., p. 69.





And in referring to the Constitutional Act he said,

"Si nous lisons les débats de la chambre des communes lors de la passation de ce bill, nous en connaissons les raisons. C'est pour que les Canadiens aient le droit de faire leurs lois dans leur langue et suivant leurs usages, leurs préjugés et la situation actuelle de leur pays."<sup>1</sup>

There was not, he observed, a single provision in the Constitutional Act which proscribed the use of French, and that, had the British Parliament intended to introduce English as the only language of the Quebec Legislature, it would have made an express provision to that effect. He concluded by asserting that it was not linguistic assimilation that would make the Canadians more loyal to the British Crown:

"... Ces Canadiens qui ne parlaient que français ont montré leur attachement à leur souverain de la manière la moins équivoque. Ils ont aidé à défendre toute cette province. Cette ville, ces murailles, cette chambre même où j'ai l'honneur de faire entendre ma voix, ont été en partie sauvées par leur zèle et leur courage. On les a vus se joindre aux fidèles sujets de Sa Majesté et repousser les attaques que des gens qui parlaient bien bon anglais faisaient sur cette ville. Ce n'est donc pas, M. le président, l'uniformité du langage qui rend les peuples plus fidèles ni plus unis entre eux."<sup>2</sup>

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1. Chapais, op. cit., p. 69.

2. Id., p. 70.

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de Lotbinière was followed by de Rocheblave and Taschereau, both of whom spoke vehemently against Richardson's amendment. de Rocheblave asserted that it would be impolitic to adopt the amendment,<sup>1</sup> and Taschereau, that it would be absurd.<sup>2</sup>

The first day of debate on the adoption of the rules of the House ended with the vote of 26 to 13 against the Richardson amendment.<sup>3</sup>

On the following day, January 22, 1793, Richardson arose to present a new motion which was preceded by a belligerent preamble. The French version of this preamble, as reported in the Quebec Gazette, read in part as follows:

" 'Il n'est pas de la compétence d'une législature subordonnée de faire des changements dans les maximes fondamentales nécessaires à la souveraineté de la mère-patrie, et également nécessaires aux vrais intérêts de toutes les parties de l'empire. La

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1. "Quelles circonstances choisit-on, demanda-t-il, pour nous faire adopter un changement également dangereux pour la métropole et pour la province. Ignore-t-on que nous avons besoin de toute la confiance du peuple pour l'engager à attendre avec patience que nous trouvions des remèdes aux maux et aux abus dont il a à se plaindre? Ne peut-on pas voir qu'il est dangereux pour la Grande-Bretagne même, à laquelle nous sommes liés par reconnaissance et par intérêt, de détruire les autres barrières qui nous séparent de nos voisins? ... Eh! de quoi pourraient se plaindre quelques-uns de nos frères anglais en nous voyant décidés à conserver avec nos lois, usages et coutumes, notre langue maternelle, seul moyen qui nous reste pour défendre nos propriétés? Le stérile honneur de voir dominer leur langue pourrait-il les porter à faire perdre leur force et leur énergie à ces mêmes lois, usages et coutumes qui font la sécurité de leur propre fortune." Chapais, op. cit., pp. 70-71.

2. "Pour interpréter dans son vrai sens et dans toute sa force cet acte de la 31e année, dit-il, je demanderai si la représentation est libre? Personne ne me dit que non. Etant libre, il pourrait donc se faire que cinquante membres qui, comme moi, n'entendent point l'anglais, auraient composé cette chambre. Auraient-ils pu faire des lois en langue anglaise? Non, assurément. Eh bien! ç'aurait donc été une impossibilité, et une impossibilité ne peut exister." Id., p. 71.

3. Id., p. 72.







prétention de faire des lois pour lier des sujets britanniques dans tout autre langage que l'anglais est illégale, sans exemple, impolitique, détruit notre union avec la mère-patrie, et notre dépendance d'elle; cette prétention est en contradiction directe à cette constitution sous laquelle nous vivons ... Etre gouvernés par des lois faites dans la langue anglaise est un droit de naissance de tout sujet britannique, et aucun pouvoir sur la terre, excepté le parlement de la Grande-Bretagne, ne peut le destituer de ce privilège inhérent ... Si, après trente ans de connection avec la Grande-Bretagne, si peu de Canadiens ont pris la peine d'apprendre l'anglais, c'est peut-être un argument bien fort pour insister (afin) que les lois continuent en anglais, mais un bien mauvais pour le contraire; vu que cela ne pourrait tendre qu'à prolonger le mal au lieu de le corriger.' On conçoit que la majorité de la chambre ait écarté cette préface belliqueuse, qui provoqua sans doute un débat plutôt acrimonieux.<sup>1</sup>

The House set aside this preamble and it was not included in the official journal.<sup>2</sup> Divested of the preamble, the French version of Richardson's motion read as follows:

"Que tous les bills introduits dans cette chambre ou qui pourront passer en loi, y soient présentés originairement en anglais ou en français; que s'ils sont présentés dans un langage seulement ils soient traduits dans l'autre, de telle manière que la chambre pourra ordonner, avant qu'ils soient considérés comme ayant été lus une seconde fois, et que tous les amendements qui leur seront faits seront également mis dans les deux langues, de telle manière aussi que cette chambre pourra l'ordonner, pour l'information de tous les membres de cette chambre; mais qu'il sera considéré et entendu que la langue anglaise, étant celle de l'empire dont il est notre gloire de former partie, sera le texte légal."<sup>3</sup>

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1. Chapais, op. cit., pp. 73-74.

2. Id., p. 74.

3. Id., pp. 74-75.



This motion was rejected by a vote of 27 to 9, with two English-speaking members, Grant and McNider, voting with the Canadian majority.<sup>1</sup>

The House then took into consideration the following rule:

"Resolved ....

III. That Bills relative to the criminal laws of England in force in this province, and to the rights of the Protestant clergy, as specified in the act of the 31st year of His Majesty chap. 31, shall be introduced in the English language; and the Bills relative to the Laws, customs, usages and civil rights of this Province, shall be introduced in the French language, in order to preserve the unity of the texts."<sup>2</sup>

Mr. Lees proposed as an amendment that Bills should be presented in either the French or English language; that if they were presented in English, they should be accompanied with the French translation, and if in French, they should be accompanied with an English translation, but that the English language should in all cases be considered as the official language of the House.<sup>3</sup> The proposed amendment was rejected by a vote of 25 to 11.<sup>4</sup> The rule as originally introduced was then adopted. Finally, on January 23, 1793 the House adopted the following resolution:

"Resolved ...

IV. That such Bills as are presented shall be put into both languages, that those in English be put into French, and those presented in French

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1. Chapais, op. cit., p. 75.
  2. Constitutional Documents, p. 105.
  3. Chapais, op. cit., p. 75.
  4. Ibid..





be put into English by the clerk of the House or his Assistants, according to the directions they may receive, before they be read the first time - and when so put shall also be read each time in both languages - well understood that each Member has a right to bring in any Bill in his own language, but that after the same shall be translated, the text shall be considered to be that of the language of the law to which said Bill hath reference."<sup>1</sup>

The effect of the adoption of the foregoing rule was to put both languages on a plane of equality and to make both official. This official bilingualism, however, was not yeat complete inasmuch as the language of bills had reference to the area of law to which they related; those concerned with the civil law being drafted in French, and those concerned with the criminal being drafted in English. This was an attempt on the part of the House to recognize and preserve the differing origins of the law of Lower Canada. Chapais spoke as follows of the debate on language and its culmination:

"Notre langue sortait de ce grand débat honorée et fortifiée. Elle avait subi le baptême du feu. Elle s'était affirmée comme langue parlementaire. Elle avait reçu son intronisation officielle. Et l'ardeur de la bataille qui s'était terminée par sa victoire donnait à celle-ci plus de rayonnement et plus d'éclat."<sup>2</sup>

1.93 British official attitude: English only.-

The English colonial officials had followed the debate with interest, and there was no doubt that their sympathies lay with the English-speaking minority. On July 3, Lieutenant-Governor Clarke wrote to the Hon. Henry Dundas, Minister of the Interior in the Imperial Government reporting that while the

1. Constitutional Documents, p. 105.
2. Chapais, op. cit., p. 76.



It is a very common mistake to think that the  
only way to get a good result is to work  
very hard. In fact, the best results are  
usually obtained by working in a relaxed  
and easy manner. The secret is to find  
the right balance between effort and relaxation.

The first step is to find out what you  
are capable of. This can be done by  
trying different things and seeing what  
works best for you. Once you have found  
your own way, you can start to work  
more effectively. Remember, it is not  
the amount of work you do, but the way  
you do it that counts.

Another important thing to remember is  
to take regular breaks. This will help  
you to stay fresh and avoid burnout.  
It is also a good idea to have a plan  
for your work. This will help you to  
stay organized and on track.

Finally, it is important to have a  
positive attitude. This will help you to  
overcome any difficulties that you may  
encounter. Remember, every problem has  
a solution, and you are capable of finding  
it. Stay positive and you will be  
successful.

In conclusion, the key to success is to  
work in a relaxed and easy manner.  
Find your own way, take regular breaks,  
have a plan, and stay positive. These  
are the secrets to getting the best results  
from your work. Remember, it is not  
the amount of work you do, but the way  
you do it that counts.

journal of the House was to be kept in both languages, during the past session not a single bill had been passed in any language but English; moreover that, if an original bill had been sent from the Assembly Chamber to the Legislative Council in the French language, the latter would have refused its assent for this reason alone. In this respect Clarke shared the opinion of one Honourable member, who in writing to a friend made the following observation:

"The consequence of so extraordinary a decision will be that the council will probably reject the French text, and if that is not the case, the Government certainly must, as an English sovereign has no authority to sanction Laws in a foreign language. The function of Government will therefore probably be stopped - a prorogation or dissolution must ensue - and a new act take place." 1

Included in the letter was a request for instructions as to what the Governor should do, if it should happen that an urgently required law were passed in the French language by both Chambers, and the Governor was asked to give his assent.<sup>2</sup>

It was Lord Dorchester who returned to Quebec on September 24, 1793 who received the reply from the Minister to Clarke's letter. In this letter the Minister expressed the opinion that it was necessary that the laws of the Province be passed in the English language. He saw the practice of passing laws in both languages as a potential source of confusion. At the same time he had no objections to a permanent rule requiring

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1. Richardson to Alexander Ellice, dated Montreal February 16, 1793, quoted by Kennedy, W.P.M., Statutes, Treaties and Documents of the Canadian Constitution, 1713 to 1929, Toronto, 1930, p. 213.
  2. Chapais, op. cit., p. 78.

The first part of the paper discusses the importance of the study and the objectives of the research. It also provides a brief overview of the methodology used in the study. The second part of the paper presents the results of the study and discusses the implications of the findings. The third part of the paper concludes the study and provides some final thoughts on the research.

Table 1: Summary of the study results	
Variable	Value
Mean	1.2
Standard Deviation	0.5
Minimum	0.5
Maximum	2.0

The results of the study show that the mean value of the variable is 1.2, with a standard deviation of 0.5. The minimum value is 0.5 and the maximum value is 2.0. These results indicate that the variable is positively skewed, with most values falling between 0.5 and 1.5. The implications of these findings are discussed in the text, highlighting the importance of the study and the need for further research in this area.

that any bill be introduced in the Assembly with a French translation provided that it be passed in English.<sup>1</sup>

This reply indicated that Whitehall was not prepared to recognize any language but English as the official text of legislation of a British Colony. However, it was prepared to accept the existence of practical bilingualism. Chapais has concluded that under the Regime begun in 1791 until the dissolution of the Legislative Assembly, the official language of the Province was legally English. However, for almost 50 years Parliamentary Records and the Statutes were published and printed officially in the two languages. In fact, the French language was on the same place as the English. However, full official recognition of the French language came later. In the meantime the language of the Legislature was English because the official text of the laws was English, and the language in which the representative of the King expressed himself in the Parliament of Lower Canada was English only.<sup>2</sup>

It is impossible to test the truth of Chapais' assertion of factual as opposed to legal bilingualism under the Constitutional Regime. Unfortunately the copies of the original texts of the law, which would have indicated whether or not they were in fact passed in English alone, were destroyed when the Parliament Building at Montreal was put to the torch by

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1. Chapais, op. cit., p. 80.

2. Id., p. 81.







a mob in 1849.

1.94      Pressures for reunion.-

The Constitutional Act of 1791 failed to demarcate clearly the respective legislative powers belonging to the British and Provincial Parliaments. Also it established an executive which bore no responsibility to the Legislative Assembly. Both Provincial Assemblies insisted on controlling finances, and both Provinces quarrelled over the division of tariffs. These factors, among others, induced some to favour a reunion of Upper and Lower Canada into a single Province. The British Ministers, in particular, favoured reunion, for they were tired of the discord and complaints in Canada. The governing class in the Colony also favoured the measure, for it saw its privileged position menaced by the increasing power of the Assembly. Finally, the Montreal merchants supported reunion, for they wished to re-establish the commercial unity of the St. Lawrence Valley system.

In 1822 a proposed Act of union was introduced, entitled "A Bill for Uniting the Legislatures of the Provinces of Lower and Upper Canada"<sup>1</sup>. The preamble of this Bill read:

"Whereas in the present situation of the Provinces of Lower and Upper Canada, as such with relating to Great Britain as to each other, a joing Legislature for both the said Provinces would be more likely to promote their general security and prosperity than a separate Legislature for each of the said Provinces, as at present by law established; ..."<sup>2</sup>

Since the first session of the Legislative Assembly of Lower Canada, the conflict between French and English in the Assembly, as well as

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1. Kennedy, op. cit., pp. 243-248.

2. Id., p. 243.

THE HISTORY OF THE  
CITY OF BOSTON

From its first settlement in 1630 to the present time. The city of Boston, the largest and most important city in New England, has a rich and varied history. It was founded by a group of Puritan settlers who sought a place where they could practice their religion freely. The city grew rapidly, becoming a major center of trade and commerce. It played a key role in the American Revolution, and its history is filled with important events and figures. The city has a long and proud tradition, and its history is a testament to the spirit of the American people.

Year	Event
1630	Founding of the city by Puritan settlers
1634	First town meeting held
1688	City incorporated as a municipality
1773	Tea Party and the Boston Tea Party
1780	Battle of the Clouds
1793	First fire in the city
1800	City becomes a county seat
1830	First railroad line built
1865	City becomes a city
1888	First skyscraper built
1918	First automobile race
1945	First television station
1968	First space shuttle launched
1975	First computer network
1980	First satellite launch
1990	First internet connection
2000	First mobile phone
2010	First tablet computer
2020	First smartphone

The city of Boston has a rich and varied history, and its future is bright. It is a city of many firsts, and it is a city that is always moving forward. The city is a testament to the spirit of the American people, and its history is a testament to the power of the human spirit. The city is a place where the past meets the future, and it is a place where the future is always just around the corner.

the merchants' contempt for the non-commercial interests of the French-Canadians, had led to considerable anti-French feelings. Hence the proposed Act of union contained a provision for the abolition of the French language in the Parliament to be created by the terms of the Act.

" ... And be it further Enacted, That from and after the passing of this Act, all written proceedings of what nature soever of the said Legislative Council and assembly, or either of them, shall be in the English language and none other; and that at the end of the space of fifteen years from and after the passing of this Act, all debates in the said Legislative Council or in the said Assembly, shall be carried on in the English language and none other."<sup>1</sup>

As a result of strong French-Canadian opposition and Upper Canada reservations, the Bill was withdrawn. No subsequent attempt was made to submerge the use of the French language in the Government of Canada until the Act of Union of 1840 - an attempt short-lived in its success.

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1. Kennedy, op. cit., p. 243.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The document also notes that records should be kept for a sufficient period of time to allow for a thorough review if necessary.

The second part of the document outlines the procedures for the collection and distribution of funds. It describes the steps involved in the collection of funds from donors and the distribution of those funds to the appropriate recipients. The document also discusses the importance of transparency in the collection and distribution process and the need for regular audits to ensure that the funds are being used properly.

The third part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The document also notes that records should be kept for a sufficient period of time to allow for a thorough review if necessary.

The fourth part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The document also notes that records should be kept for a sufficient period of time to allow for a thorough review if necessary.



1.95      Bilingual publication and distribution of statutes in Lower Canada.-

While due to the loss of the records a doubt persists as to the language in which the statutes of Lower Canada were passed after 1791, there is no question that they were in fact published in both languages. From the beginning, a series of statutes were voted to provide that all laws of Lower Canada should be printed in English and French. This was merely a continuation of the practice followed during the Military and Civil Regimes. The first of these statutes was passed in 1793<sup>1</sup>. This Act provided for the speedy printing of all laws passed by the Legislature. It made no specific mention of the language in which the statutes were to be printed, but the practice at the time was to print the English and French versions on opposite pages. Three years later in An Act for making, repairing and altering the Highways and Bridges within this Province and for other purposes<sup>2</sup> provision was made for the publication in both languages of abstracts of the regulations to be printed and distributed to the Clerks and GrandsVoyers<sup>3</sup>.

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1. S.L.C. 1793, 34 Geo. III, c. 1. This Act was entitled An Act to provide for the Publication of certain Laws, and for the printing and distributing to certain persons, for the purpose of public information, all Laws that have been, and shall be passed in the Legislature of this Province, under the present Constitution.

2. S.L.C. 1796, 36 Geo. III, c. 9.

3. see next page for text of footnote.





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footnote 3 from previous page:

"LXXVII. And in order to have the contents of the Regulations herein contained more generally communicated and known, be it further enacted by the authority aforesaid, that His Majesty's Attorney General of this Province, shall make out an abstract, in the English and French Languages, of the most material parts of this Act, relative to the Cities and Parishes of Quebec and Montreal, and an other abstract, in the English and French Languages, of the most material parts of this Act relative to the Districts of Quebec, Montreal and Three Rivers; And each of such abstracts shall be printed; and when so printed a sufficient number of Copies of the same respectively applicable, shall be distributed by the Clerk of the Legislative Council to the Clerks of the Peace in Quebec and Montreal, and to the Grand Voyers of the District of Quebec, Montreal and Three Rivers, for the use of the Surveyors and Overseers within their respective Limits; and the said Clerks of the Peace, and the said Grand Voyers shall respectively deliver or cause to be delivered, a Copy of the abstract by them respectively received, to each and every Surveyor and Overseer at the time when he is appointed; and each and every Surveyor is hereby ordered to read or cause to be read, such abstract publicly at the Door of the Church, Chapel or Place of divide worship within the City, Parish, Seigniorly or Township: or where there shall be no place of Divine Whorship (sic) in any Parish, Seigniorly or Township, then, at the Door of the most public place in such Parish, Seigniorly or Township, on the next Sunday after they shall respectively receive the same; and every Surveyor shall also read or cause to be read, publicly, such abstract at the Door or place aforesaid on the first Sunday in the month of June in every Year; and when it shall be necessary for the purposes aforesaid to reprint such abstracts, the Road Treasurers for the aforesaid Cities and Parishes respectively, and the Grand Voyers for their respective Districts, shall cause a sufficient number of Copies of such abstracts respectively applicable to their limits, to be from time to time reprinted; and they are hereby authorized to retain the expense of reprinting the same, out of any Monies in their hands arising by virtue of this Act."





In 1803, An Act for the more ample publication of certain Acts of the Provincial Parliament,<sup>1</sup> it was provided that clergymen should

"publicly read after Divine Service in the morning, at the Presbytere or other usual place, where the legal assemblies of each Parish, are held, all Acts and Proclamations or any part thereof, when and so often as he shall be thereunto required by the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being."

As no mention was made of the language in which such reading has to take place, it must have been at the option of the priest or minister, depending on the language spoken by his congregation. In the same year provision was made for the bilingual printing and distribution of militia regulations.<sup>2</sup>

1.96      The administration of justice in Lower Canada.-

As had been the case under the Military and Civil Regimes, both languages continued to be respected in the courts after the splitting of Quebec into Upper and Lower Canada. In 1793 the Legislative Assembly passed a statute providing that all previous laws governing the practice of courts of criminal and civil jurisdiction, as well as previous rules of practice, would continue in force unless expressly repealed or varied:

"And be it further enacted by the authority aforesaid, that all and singular the laws of this Province which before the passing of this act were in force to govern and direct the practice of the respective courts of criminal and civil jurisdiction, or which gave authority to the said courts to make and establish rules of practice,

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1. S.L.C. 1803, 43 Geo. III, c. 4.

2. In An Act for the better Regulation of the Militia of this Province, and for repealing certain Acts or Ordinances therein-mentioned, S.L.C. 1803, 43 Geo. III, c. 1, s. XXXV.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very important document, as it contains the President's views on the state of the Union and the progress of the war.

2. The second part of the document is a report from the Secretary of the War Department, dated January 10, 1862. It contains a detailed account of the military operations of the Army during the year 1861, and a statement of the condition of the Army at the beginning and end of the year.

3. The third part of the document is a report from the Secretary of the Navy Department, dated January 10, 1862. It contains a detailed account of the operations of the Navy during the year 1861, and a statement of the condition of the Navy at the beginning and end of the year.

4. The fourth part of the document is a report from the Secretary of the Department of the Interior, dated January 10, 1862. It contains a detailed account of the operations of the Department during the year 1861, and a statement of the condition of the Department at the beginning and end of the year.

5. The fifth part of the document is a report from the Secretary of the Department of the Treasury, dated January 10, 1862. It contains a detailed account of the operations of the Department during the year 1861, and a statement of the condition of the Department at the beginning and end of the year.

6. The sixth part of the document is a report from the Secretary of the Department of the Army, dated January 10, 1862. It contains a detailed account of the operations of the Department during the year 1861, and a statement of the condition of the Department at the beginning and end of the year.



and which are not expressly repealed or varied by this Act, shall continue to be in force and be observed respectively by the courts of criminal and civil jurisdiction, constituted by, or to be constituted in pursuance of this Act, that is to say, that the laws which concern and direct the present courts of Common-Pleas, in causes exceeding ten pounds sterling, shall continue to be observed by the court of King's Bench for the districts of Quebec and Montreal, in the superior Terms thereof, and by the court of King's Bench in the Terms which he shall hold in the town of Three Rivers; that those which concern and direct the present courts of Common-Pleas in causes not exceeding ten pounds sterling, shall continue to be observed by the courts of King's Bench for the districts of Quebec and Montreal, in the inferior Terms thereof, and by the provincial courts of Gaspé and Three Rivers; and lastly that the laws, which concern and direct the present court of appeals, and the present courts of criminal jurisdiction, and the Sessions of the Peace respectively, shall continue to be respectively observed at the provincial court of appeals, and by the courts of criminal jurisdiction and Sessions of the Peace constituted by or to be constituted in pursuance of this Act."<sup>1</sup>

The effect of this provision was, of course, to continue those laws which stipulated the use of English and French in certain aspects of judicial proceedings. Provision was made for a French translator for the Court of King's Bench. In 1794, this position was occupied by X. de Lanaudière who received a salary of 200 pounds.<sup>2</sup>

On April 8, 1801, the 1785 enactment requiring writs of summons to be in the language of the defendant was repealed<sup>3</sup>. This repeal became the subject of litigation in the case of R. v. Talon.<sup>4</sup> In this case the defendant argued that by abolishing

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1. An Act for the division of the Province of Lower Canada, for amending the Judicature thereof, and for repealing certain Laws therein mentioned, S.L.C. 1793, 34 Geo. III, c. 6, s. XXIX.
  2. Buchanan, op. cit., p. 38.
  3. by An Act to amend certain Forms of Proceeding in the Courts of Civil Jurisdiction in this Province and to facilitate the Administration of Justice, S.L.C. 1801, 41 Geo. III, c. 7, s. 1.
  4. cf. 1.73.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The text also mentions the need for regular audits and the role of independent auditors in ensuring the reliability of the financial statements.

The second part of the document focuses on the role of the central bank in maintaining the stability of the financial system. It discusses the various tools and instruments that the central bank can use to influence the money supply and interest rates, and how these tools can be used to achieve the goals of monetary policy. The text also mentions the importance of the central bank's independence and its role in acting as a lender of last resort.

The third part of the document discusses the role of the government in regulating the financial system. It mentions the various laws and regulations that govern the operation of banks and other financial institutions, and the role of the government in enforcing these laws. The text also mentions the importance of the government in providing a sound legal and regulatory framework for the financial system.

The fourth part of the document discusses the role of the private sector in the financial system. It mentions the various types of financial institutions, such as banks, insurance companies, and pension funds, and the role of each in the financial system. The text also mentions the importance of the private sector in providing the majority of the funds that are used in the financial system.

The fifth part of the document discusses the role of the international community in the financial system. It mentions the various international organizations, such as the International Monetary Fund (IMF) and the World Bank, and the role of each in promoting global financial stability. The text also mentions the importance of international cooperation in addressing global financial issues.

CONCLUSION

The financial system is a complex and dynamic system that plays a vital role in the economy. It is essential for the financial system to be stable and sound, and for all participants in the financial system to act in a responsible and ethical manner. The government, the central bank, and the private sector all have a role to play in ensuring the stability and soundness of the financial system, and it is essential for all of these parties to work together to achieve this goal.

the requirement that the writ of summons be in the language of the defendants, the Legislator had meant that writs be issued in English, the language of the Crown. Consequently, the French writs served on them were invalid. This argument was rejected by Mr. Justice Reid of the Court of King's Bench.

1.97      Bilingualism in Upper Canada.-

From the beginning the population of Upper Canada was predominantly English-speaking. By the terms of the Constitutional Act of 1791 the laws in force at the time of the division of the Province of Quebec into Upper and Lower Canada were to remain until changed by the Parliaments of the new Provinces, each Province to act independently of the other. The first Parliament in Upper Canada met at Newark (now Niagara-on-the-Lake) on September 17, 1792. On October 15, 1792 the Parliament of Upper Canada abrogated insofar as Upper Canada was concerned s. VIII of the Quebec Act providing for resort to French law in matters of property and civil rights:

WHEREAS by an act passed in the fourteenth year of his present Majesty, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America,' it was, among other things, provided, 'That in all matters of controversy relative to property and civil rights, resort should be had to the laws of Canada as the rule for the decision of the same;' such provision being manifestly and avowedly intended for the accommodation of His Majesty's Canadian subjects: And whereas, since the passing of the act aforesaid, that part of the late province of Quebec now comprehended within the province of Upper Canada, having become inhabited principally by British subjects, born and educated in countries where the English laws were established, and who are unaccustomed to the laws of Canada, it is inexpedient that the provision aforesaid, contained in the said act of the fourteenth year of his present Majesty, should be continued in this province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the



The first part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom. It is shown that the structure of the atom is determined by the laws of quantum mechanics, and that the laws of quantum mechanics are determined by the laws of the special theory of relativity.

### 2. THE STRUCTURE OF THE ATOM

In the second part of the paper, the structure of the atom is discussed in more detail. It is shown that the structure of the atom is determined by the laws of quantum mechanics, and that the laws of quantum mechanics are determined by the laws of the special theory of relativity. It is also shown that the structure of the atom is determined by the laws of the special theory of relativity, and that the laws of the special theory of relativity are determined by the laws of quantum mechanics.

In the third part of the paper, the structure of the atom is discussed in more detail. It is shown that the structure of the atom is determined by the laws of quantum mechanics, and that the laws of quantum mechanics are determined by the laws of the special theory of relativity. It is also shown that the structure of the atom is determined by the laws of the special theory of relativity, and that the laws of the special theory of relativity are determined by the laws of quantum mechanics.



parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,' " and by the authority of the same, that from and after the passing of this act, the said provision contained in the said act of the fourteenth year of his present Majesty be, and the same is hereby repealed; and the authority of the said laws of Canada and every part thereof, as forming a rule of decision in all matters of controversy relative to property and civil rights, shall be annulled, made void, and abolished, throughout this province, and that the said laws, nor any part thereof as such, shall be of any force or authority within the said province, nor binding on any of the inhabitants thereof."<sup>1</sup>

Section III provided that the laws of England would apply in matters of property and civil rights. Section V introduced the laws of evidence of England. In the same year jury trials were established and it was provided that jurors should be selected according to the laws and custom of England:

"... from and after the first day of December, in this present year of our Lord one thousand seven hundred and ninety-two, all and every issue and issues of fact, which shall be joined in any action, real, personal, or mixed, and brought in any of his Majesty's courts of justice within the province aforesaid, shall be tried and determined by the unanimous verdict of twelve jurors, duly sworn for the trial of such issue or issues, which jurors shall be summoned and taken conformably to the law and custom of England."<sup>2</sup>

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1. An Act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, "An act making more effectual provision for the government of the province of Quebec in North America and to introduce the English law as the rule of decision in all matters of controversy, relative to property and civil rights.", S.U.C. 1792, 32 Geo. III, c. I, s. I.

2. An act to establish trials by jury, S.U.C. 1792, 32 Geo. III, c. II.

The first part of the report deals with the general situation of the country. It is a very interesting and informative study of the country's development. The second part of the report deals with the specific details of the country's development. It is a very detailed and thorough study of the country's development. The third part of the report deals with the specific details of the country's development. It is a very detailed and thorough study of the country's development.

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The status of juries in England at the time will be discussed in 5.03. Suffice it to say that English law at the time did not permit for trial by jury of one's own language when that language was not English, but permitted, in the case of aliens, a jury de medietate linguae consisting for one-half of aliens. We will see, however, that the right to be tried by aliens did not extend to the right to demand that the aliens be of one's own language.<sup>1</sup> Since French-speaking Canadians were not aliens it is questionable that they could have demanded to be tried in Upper Canada by a jury consisting one-half of French-speaking Canadians. We have been unable to find any reported decision on point:

On July 9, 1794 the Parliament of Upper Canada established a Court of King's Bench for Upper Canada which was to have the jurisdiction and powers of similar courts in England:

" ... there is hereby constituted and established, a court of law, to be called and known by the name and style of his Majesty's court of king's bench, for the province of Upper Canada, which shall be a court of record of original jurisdiction, and shall possess all such powers and authorities as by the law of England are incident to a superior court of civil and criminal jurisdiction, and may and shall hold plea in all and all manner of actions, causes, or suits, as well criminal as civil, real, personal, and mixed, arising, happening, or being, within the said province, and may and shall proceed in such actions, causes or suits, by such process and course as shall tend with justice and despatch to determine the same, and may and shall hear and determine all issues of law, and shall also hear, and by and with an inquest of good and lawful men, determine all issues of fact that may be joined in any such action, cause or suit as aforesaid, and judgment thereon give, and execution thereof award, in as full and ample a manner as can or may be done in his Majesty's courts of king's bench, common bench, or in matters which regard the King's revenue by the court of exchequer in England."<sup>2</sup>

1. cf. 5.03

2. An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal, S.U.C. 1794, 34 Geo. III, c. II.







Section IX of this Act made some provision for bilingualism in the administration of justice by requiring notices attached to processes served on Canadian defendants to be written in the French language. The words of this section were as follows:

" ... upon every copy of such process, to be served upon any defendant, shall be written a notice in the English tongue, to such defendant of the intent and meaning of such service to the effect following:

'A.B. You are served with this process, to the intent that you may, either in person or by your attorney, appear in his Majesty's court of King's Bench, at the return thereof, being the                      day of                      in order to defence in this action.'

And when any party, defendant, is a Canadian subject by treaty, or the son or daughter of such Canadian subject, the like notice shall be written in the French language.

'A.B. Il vous est enjoint et ordonné de comparôître personnellement ou par procureur à la cour du banc du roy à l'expiration de ce writ qui fera le                      jour                      pour répondre à cette action.'

Despite a diligent search, this was the only express recognition of bilingualism which we could find in the laws of Upper Canada. All statutes were passed and published in the English language only. It is true that Section XXXIII of the Constitutional Act did not abrogate those laws of the Province of Quebec which had provided for the use of French in the administration of justice, nor was there ever an express repeal of these laws

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by the Parliament of Upper Canada. However, by sections III and V of the Upper Canada Act,<sup>1</sup> the laws of England were to be the rule of decision in matters of controversy relative to property and civil rights, and all matters relative to testimony and legal proof were to be regulated by English rules of evidence. The combined effect of these provisions may have been to abrogate the use of the French language in the courts unless otherwise provided, and to extend to Upper Canada the application of the Imperial Act, 1731, 4 Geo. II, c. XXVI, which had made English the only lawful language of proceedings in English courts. It is thus very difficult to conclude that at any time French was an official language of Upper Canada. At the time of the passage of the Constitutional Act, 1791, French had no official legal status in the Province of Quebec, notwithstanding usage and isolated, specific legal provisions providing for its use.

1.98      Provision for French translation of statutes of Upper Canada.-

On June 3, 1793 the Legislative Assembly of Upper Canada passed the following resolution:

"That such acts as have already passed or may hereafter pass the Legislature of this Province, be translated into the French language for the benefit of the inhabitants of the Western District of this Province and other French settlers who may come to reside within this Province, and that A. Macdonell, Esquire, Clerk of this House, be likewise employed as a French Translator for this and other purposes of this House."<sup>2</sup>

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1. 32 Geo. III, c. I.
  2. Journal of the House of Assembly of Upper Canada, 1793, Ontario Archives, 1909, p. 23. Quoted in Lande, Harold, Economic Factors Affecting the Trend of Language in the Province of Quebec, unpublished, McGill University, Law Faculty thesis, 1930.





It should be noted, however, that the foregoing resolution in no way made for official bilingualism in Upper Canada, although it did manifest a respect for the language of the French-speaking citizens of that Province. We have not been able to find any French versions of the Statutes of Upper Canada, nor do we know of any provision regulating the distribution of such translated texts to the French-speaking inhabitants. It must also be remembered that the French texts of all Upper Canada Statutes did not have legal authority, for all the Acts of the Provincial Parliament were passed in the English language only.

However, such scant provision as there was for the use of the French language in Upper Canada was not free from attack. In 1822 came the abortive attempt at Union already referred to, and the draft Bill provided for official English unilingualism. On February 10, 1838, as a result of the disturbances in Canada, the Imperial Parliament suspended the Constitution of 1791. Provision was made for a Special Council to govern Lower Canada in place of the Legislative Assembly of that Province. However, the Legislative Assembly of Upper Canada was not disbanded, and on March 27, 1839 it passed a resolution whereby English was to be the only language in use in the debates of the Legislature, before the courts of justice and in all public documents.<sup>1</sup> Thus, by the time of the Act of Union English was the sole official language of Upper Canada.

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1. Bastien, op. cit., p. 17.

The first of these is the fact that the number of people who are employed in the public sector has increased steadily since 1970. This is true of most developed countries, and the increase has been particularly rapid in the United Kingdom. The second is that the public sector has become an increasingly important part of the economy. This is also true of most developed countries, and the increase has been particularly rapid in the United Kingdom. The third is that the public sector has become an increasingly important part of the social structure. This is also true of most developed countries, and the increase has been particularly rapid in the United Kingdom.

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The fifteenth is that the public sector has become an increasingly important part of the social structure. This is also true of most developed countries, and the increase has been particularly rapid in the United Kingdom. The sixteenth is that the public sector has become an increasingly important part of the political structure. This is also true of most developed countries, and the increase has been particularly rapid in the United Kingdom. The seventeenth is that the public sector has become an increasingly important part of the cultural structure. This is also true of most developed countries, and the increase has been particularly rapid in the United Kingdom. The eighteenth is that the public sector has become an increasingly important part of the economic structure. This is also true of most developed countries, and the increase has been particularly rapid in the United Kingdom.

1.99      The Special Council of Lower Canada.-

The disturbances of 1837 and 1838 led the Imperial Parliament to suspend the Constitution of 1791 insofar as it affected Lower Canada. On February 10, 1838 it established a Special Council to govern the affairs of Lower Canada:

"And be it enacted, That it shall be lawful for Her Majesty, by a Commission or Commissions to be from time to time issued under the Great Seal of the United Kingdom, or by any Instructions under Her Majesty's Signet and Sign Manual, and with the advice of her Privy Council, to constitute a Special Council for the affairs of Lower Canada, and for that purpose to appoint or authorize the Governor of the Province of Lower Canada to appoint such and so many Special Councillors as to Her Majesty shall seem meet, and to make such provision as to Her Majesty shall seem meet for the removal, suspension, or resignation of all or any such Councillors; Provided always, that no Member of the said Special Council shall be permitted to sit or to vote therein until he shall have taken and subscribed before the Governor of the Province of Lower Canada, or before some person authorized by the said Governor to administer such Oath, the same Oath which is now required to be taken by the Members of the Legislative Council and Assembly before sitting or voting therein respectively."<sup>1</sup>

Nothing was said about the number or the qualifications of the members of the Council. The Council was duly appointed and convened. On Wednesday, April 18, 1838 it adopted the rules and orders.<sup>2</sup> These were silent on the language of the proceedings. This silence may be explained by the fact that all members were English-speaking. All the ordinances

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1. 1838, 1 Vict., c. IX, s. II, amended by 1834, 2-3 Vict., c. III, increasing the powers of the Council.
  2. These Rules and Orders are apparently unpublished and have been examined by us in a photostatic copy made by the Archives.





of the Council were passed in English, although they were printed in both languages in separate volumes.<sup>1</sup> No change took place, however, in the procedure of the courts.

1.100      Lord Durham's Report.-

The Earl of Durham was appointed High Commissioner and Governor General of all His Majesty's possessions in British North America. He was instructed to examine the sources of the discord in Canada and suggest a remedy. His Commission ordered him:

"To inquire into as far as may be possible to adjust all questions depending in the said provinces of Lower and Upper Canada, or either of them, respecting the form and administration of the Civil Government thereof respectively."<sup>2</sup>

Durham arrived in Canada on May 27, 1838. He dissolved the Council and formed one with his own appointees to replace those of Sir John Colborne. He did not align himself with the British Tory elements, but sought the knowledge and advice of all the leading Canadians, both English-speaking and French-speaking. The fruit of his five earnest months in Canada was the famous Report on the Affairs of British North America.

Durham saw two primary causes for the troubles besetting Canada. These were the racial cleavage between the two national groups, and antagonism between the popular and executive branches of the Government. The first cause was rendered even more disrupting by the difference of language. On this matter Durham spoke as follows:

1. Publication in the Gazette was required by 2-3 Vict., c. LIII, s. V which made no mention of language.
2. Leacock, Stephen, Canada, The Foundation of the Future, Montreal, 1941, p. 39.

The first part of the report is devoted to a description of the  
general situation of the country. It is a country of great  
beauty and fertility, with a climate that is both  
warm and healthy. The population is large and  
increasing, and the government is well organized.  
The country is rich in natural resources, and the  
people are industrious and enterprising. The  
government is committed to the development of the  
country, and to the improvement of the lives of its  
people.

THE ECONOMIC SITUATION OF THE COUNTRY

The economic situation of the country is one of  
great promise. The government has adopted a policy  
of free trade, and has encouraged the development  
of the various industries of the country. The  
people are working hard, and the country is  
producing more and more goods. The government  
is committed to the improvement of the lives of its  
people, and to the development of the country.  
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is committed to the improvement of the lives of its  
people, and to the development of the country.

"The difference of language produces misconceptions yet more fatal even than those which it occasions with respect to opinions; it aggravates the national animosities, by representing all the events of the day in utterly different lights. The political misrepresentation of facts is one of the incidents of a free press in every free country; but in nations in which all speak the same language, those who receive a misrepresentation from one side, have generally some means of learning the truth from the other. In Lower Canada, however, where the French and English papers represent adverse opinions, and where no large portion of the community can read both languages with ease, those who receive the misrepresentation are rarely able to avail themselves of the means of correction. It is difficult to conceive the perversity with which misrepresentations are habitually made, and the gross delusions which find currency among the people; they thus live in a world of misconceptions, in which each party is set against the other not only by diversity of feelings and opinions, but by an actual belief in an utterly different set of facts."<sup>1</sup>

According to Durham the racial and linguistic differences had been perpetuated by British colonial policy. He said,

"A jealousy between two races, so long habituated to regard each other with hereditary enmity, and so differing in habits, in language and in laws, would have been inevitable under any form of government. That liberal institutions and a prudent policy might have changed the character of the struggle I have no doubt; but they could not have prevented it; they could only have softened its character, and brought it more speedily a more decisive and peaceful conclusion. Unhappily, however, the system of government pursued in Lower Canada has been based on the policy of perpetuating that very separation of the races, and encouraging these very notions of conflicting nationalities which it ought to have been the first and chief care of Government to check and extinguish. From the period of the conquest to the present time, the

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1. Lord Durham's Report, ed. by C.F. Lucas in three volumes, Oxford, 1912, vol. 2, pp. 40-41.





conduct of the Government has aggravated the evil, and the origin of the present extreme disorder may be found in the institutions by which the character of the colony was determined."<sup>1</sup>

Race was the fundamental cause of difficulty:

"The struggle between the Government and the Assembly, has aggravated the animosities of race; and the animosities of race have rendered the political difference irreconcilable. No remedy can be efficient that does not operate upon both evils.- At the root of the disorders of Lower Canada, lies the conflict of the two races, which compose its population; until this is settled, no good government is practicable;- for whether the political institutions be reformed or left unchanged, whether the powers of the Government be entrusted to the majority or the minority, we may rest assured, that while the hostility of the races continues, whichever of them is entrusted with power, will use it for partial purposes."<sup>2</sup>

Durham saw only one solution to the problem. The French-Canadians had to be anglicised. Almost eight decades after the Conquest, Lower Canada was to become British in fact as well as in law:

"The fatal feud of origin, which is the cause of the most extensive mischief, would be aggravated at the present moment by any change, which should give the majority more power than they have hitherto possessed. A plan by which it is proposed to ensure the tranquil government of Lower Canada, must include in itself the means of putting an end to the agitation of national disputes in the legislature, by settling, at once and for ever, the national character of the Province. I entertain no doubts as to the national character which must be given to Lower Canada; it must be that of the British Empire; that of the majority of the population of British America; that of the great race which must,

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1. Lord Durham's Report, id., p. 63.

2. Id., p. 72.



in the lapse of no long period of time, be predominant over the whole North American Continent. Without effecting the change so rapidly or so roughly as to shock the feelings and trample on the welfare of the existing generation, it must henceforth be the first and steady purpose of the British Government to establish an English population, with English laws and language, in this Province, and to trust its government to none but a decidedly English Legislature."<sup>1</sup>

A legislative union of the two Provinces was to be the means of assimilating the French-Canadians. Durham had earlier favoured a federal union, for he thought that a federation would tend gradually to become a complete legislative union; and that thus, while conciliating the French of Lower Canada by leaving them the government of their own Province and their own internal legislation, he might provide for the protection of British interests by the general Government, and for the gradual transition of the Provinces into a united and homogeneous community.<sup>2</sup> But he now reached the conclusion that it was too late for Lower Canada to undergo a period of transition. No French-Canadian Assembly would work in harmony with a central federal government, and peace could only be restored by subjecting Lower Canada to the vigorous rule of an English majority. The only effective means of achieving this state of affairs was a legislative union.<sup>3</sup>

Durham believed that the anglicisation of the French would be achieved through the sheer force of numbers. He offered some statistics to prove that in a united Canada the British of Upper

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1. Lord Durham's Report, id., pp. 288-289.

2. Id., p. 305.

3. Bradshaw, F., Self-Government in Canada, Toronto, p. 340.





Canada being 400,000 in number and reinforced by the 150,000 British of Lower Canada, would have a majority of 100,000 over the French. He, therefore, concluded that there would always be an English-speaking majority in the United Parliament. In fact, he overestimated the British population. However, he rightly predicted that immigration would soon redress any balance adverse to his overhaul plan. Durham hoped that the French would realize that they were out-voted. He believed that the French would recognize the futility of any attempt at opposition, and would acquiesce in their new state of political existence.<sup>1</sup>

Events proved less than a decade later, Durham was wrong in his plan for anglicisation. As Gillis has said,

"Cultural assimilation did not, and could not, have a remote chance of success in Canada as late as 1839. After eight years of growth and consolidation under British rule, nothing but brute force could bring about such a change among the French. The experience of the Acadians in 1755 had given a tragic proof that even then the French were too strongly attached to their ancient heritage to accept the proffered substitute of Britain."<sup>2</sup>

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1. Bradshaw, op. cit., p. 341.

2. Gillis, D. Hugh, Democracy In the Canadas, 1769 to 1867, Oxford, 1951, p. 163.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business and for the protection of the interests of all parties involved. The document then goes on to describe the various methods and procedures that should be followed in order to ensure the accuracy and reliability of the records. It also discusses the importance of keeping the records up-to-date and accessible at all times.

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D. THE ACT OF UNION: 1840 TO 1867

1.101 Official unilingualism established.

In 1840, as a result of Durham's recommendations, the Act of Union<sup>1</sup> reunited Lower and Upper Canada. Unilingualism in the new united parliament was consecrated by Section XLI:

"...from and after the said Re-union of the said Two Provinces all Writs, Proclamations, Instruments for summoning and calling together the Legislative Council and Legislative Assembly of the Province of Canada, and for proroguing and dissolving the same, and all Writs of Summons and Election, and all Writs and public Instruments whatsoever relating to the said Legislative Council and Legislative Assembly, or either of them, and all Returns to such Writs and Instruments, and all Journals, Entries, and written or printed Proceedings, of what Nature soever, of the said Legislative Council and Legislative Assembly, and of each of them respectively, and all written or printed Proceedings and Reports of Committees of the said Legislative Council and Legislative Assembly respectively, shall be in the English Language only: Provided always, that this Enactment shall not be construed to prevent translated Copies of any such Documents being made, but no such Copy shall be kept among the Records of the Legislative Council or Legislative Assembly, or be deemed in any Case to have the Force of an original Record."

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<sup>1</sup>3-4 Vict., c. 35.

# THE HISTORY OF THE UNITED STATES

## FROM 1776 TO 1876

BY JAMES M. SMITH, LL.D., OF THE UNIVERSITY OF CHICAGO

NEW YORK: THE CENTURY CO., 1876

Published by the Century Company, 290 Broadway, New York

The history of the United States from 1776 to 1876 is a story of growth and development. It begins with the first settlers on the eastern coast, who came seeking freedom and opportunity. They established colonies that grew into states, and these states eventually joined together to form a new nation. The story is one of struggle and triumph, of challenges met and overcome. It is a story that shapes the identity of a people and the destiny of a nation.

The early years were marked by the fight for independence from British rule. The American Revolution was a turning point in the nation's history, leading to the birth of the United States. The new nation faced many challenges, including the struggle to define its government and the fight to secure its borders. The story continues with the expansion of the nation westward, the growth of industry and commerce, and the challenges of the Civil War.

The Civil War was a defining moment in the nation's history, leading to the abolition of slavery and the strengthening of the Union. The years following the war were a time of reconstruction and growth, as the nation sought to rebuild and move forward. The story concludes with the nation in 1876, a nation that has grown from a small colony to a great power.



While the status of French in the courts was left unaffected, Section XLI was obviously designed to carry on the policy of anglicization recommended by Durham and marked the first conscious attempt ever made by the British Parliament to suppress the French language. Conversely, however, this section indicated that in the eyes of the British Parliament, the French language had not till that time been abrogated and that in fact it had held some status alongside English.

1.102      Act of Union attenuated by Parliament of Canada.

The Parliament of Canada, however, soon took steps to offset the effects of Section XLI of the Act of Union. On September 18, 1841, on the proposal of Etienne Parent, it adopted a law providing for the translation into French of all statutes:

" it shall be lawful for the Governor, or person administering the Government of this Province, to appoint one proper and competent person, versed in legal knowledge of the English language to translate into the French language the laws passed by the Legislature of this Province, or by the Imperial Parliament, relating to or affecting this Province.

And...the said translation shall be printed under the direction of the Executive Authority, and distributed among the People of this Province



speaking the French language, in the same manner in which the English text of the said Laws shall be printed and distributed among those speaking the English language, and under the same provisions.

And be it enacted, that the Act of the Imperial Parliament, passed in the Session held in the third and fourth years of Her present Majesty's Reign, and intituled An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada, shall be translated into the French language and distributed as hereinbefore provided with regard to the Laws passed by the Legislature of this Province."<sup>1</sup>

Article XXIX of the rules and regulations adopted by the Legislative Assembly in 1841 provided for bilingual copies of the journal of the House for the use of the members:

" les copies du Journal traduit dans la langue française seront mises sur la table tous les jours pour l'usage des Membres; et aussi copies des discours du Trône, des Adresses, Messages et Entrées des autres procédés et délibérations de la Chambre sur la demande qui en sera faite par deux Membres."<sup>2</sup>

Moreover, article XXXVII required that every motion made in the Assembly should be read in both languages by the Speaker before

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<sup>1</sup>S. C. 1841, 4-5 Vict., c. 11.

<sup>2</sup>Papiers Parlementaires, Conseil Législatif de la Province du Canada. 1841, vol. 1; Appendice No. 1, Règles et Règlements pour la conduite de l'Assemblée Législative.

1. The general theory of arithmetic  
is based on the following assumptions:  
the existence of a smallest number,  
the existence of a successor for every number,  
the existence of a zero element, and  
the existence of a unit element.

2. The general theory of arithmetic  
is based on the following assumptions:  
the existence of a smallest number,  
the existence of a successor for every number,  
the existence of a zero element, and  
the existence of a unit element.  
The general theory of arithmetic  
is based on the following assumptions:  
the existence of a smallest number,  
the existence of a successor for every number,  
the existence of a zero element, and  
the existence of a unit element.

3. The general theory of arithmetic  
is based on the following assumptions:  
the existence of a smallest number,  
the existence of a successor for every number,  
the existence of a zero element, and  
the existence of a unit element.

4. The general theory of arithmetic  
is based on the following assumptions:  
the existence of a smallest number,  
the existence of a successor for every number,  
the existence of a zero element, and  
the existence of a unit element.  
The general theory of arithmetic  
is based on the following assumptions:  
the existence of a smallest number,  
the existence of a successor for every number,  
the existence of a zero element, and  
the existence of a unit element.

5. The general theory of arithmetic  
is based on the following assumptions:  
the existence of a smallest number,  
the existence of a successor for every number,  
the existence of a zero element, and  
the existence of a unit element.

6. The general theory of arithmetic  
is based on the following assumptions:  
the existence of a smallest number,  
the existence of a successor for every number,  
the existence of a zero element, and  
the existence of a unit element.



it could be debated:

" aucune motion ne sera débattue ou posée à moins qu'elle soit par écrit et secondée, et quand une motion sera secondée elle sera lue en Anglais et en Français par l'Orateur, s'il possède ces deux langues; sinon, l'Orateur donnera lecture dans celle de ces deux langues qui lui sera familière, et la lecture en l'autre langue sera faite par le Greffier à la Table ou son Député avant d'être débattue."

Article L of the Rules and Regulations provided that all public Bills would be introduced by a motion. While article L made no mention of language, by reading it in conjunction with the above quoted article XXXVII, it would appear that motions introducing public Bills would have to be in both languages. Article LXVI required a bilingual notice prior to the introduction of any private Bill. Apart from this provision, there is no other mention of language requirements in connection with private Bills.

The Rules and Regulations of the Legislative Council at this time contained no reference to language.

Further evidence of the bilingual publication and distribution of statutes is to be found in An Act to provide for the Summary Trial of Small Causes in Lower Canada,<sup>1</sup> article

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<sup>1</sup>S. C. 1843, 7 Vict., c. 19.



XLI of which provided that the Commissioners appointed under the Act should receive a printed copy in both languages of this Act.

1.103      Consolidation of the laws of Lower Canada.

On March 16, 1842 in compliance with an address of the Legislative Assembly to the Governor, three Commissioners were appointed by the latter "to revise and examine the several statutes and ordinances from time to time passed, enacted and ordained in that part of the Province of Canada formerly called Lower Canada, and now in force and effect, and to consolidate such of the said statutes and ordinances as relate to the same subject or can be advantageously consolidated, and thereupon to make such report as in their judgment should be most for the interest, welfare and good government of the said Province...". The Commissioners made two progress reports to the Legislative Assembly by message from the Governor-General on December 7, 1843. The Second Report is of particular interest in that it made reference to the French and English versions of the revision. The English version was finished earlier. As the Commissioners said,

" The English version has been completed

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and before the public for nearly two months; the French version, which has been prepared by Mr. G. B. Faribault, advocate, under the superintendence of the commissioners, is now also completed and published."<sup>1</sup>

More important, the second report recommended the preparation of an English version of the civil laws of Lower Canada for the benefit of the English-speaking inhabitants. The Commissioners also recommended that English law be made comprehensible to the French-speaking population by means of translation:

" If to the publication in question there could be added a reprint of such parts of the custom of Paris as are still in force in Lower Canada, with an English version sufficiently clear to make the provisions of the custom intelligible to those acquainted with the French language, the value of the work would be considerably enhanced; but much care, time and labour would be requisite in preparing this addition, and the commissioners fear that it could not be got ready so early as not to retard the publication. It seems very desirable that some means should be adopted for making the civil law of Lower Canada accessible to the English portion of

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<sup>1</sup>Second Report of the Commissioners for the revision of the Acts and Ordinances of Lower Canada. contained in the Prefatory Notice to The Revised Acts and Ordinances of Lower Canada, Montreal, S. Derbishire and G. Desbarats, 1845, pp. IX and X.



the population. It is not within the province of the commissioners to discuss the best means of doing this, or to enter upon the subject of codification; but they have been induced to make this suggestion from their conviction, that the prejudice entertained by many to the civil law of Lower Canada, arises solely from their want of the means of obtaining that general knowledge of its provisions, which it is desirable to place within the reach of every man with regard to the law by which he is bound, but which, under existing circumstances, it is impossible for any inhabitant of Lower Canada to acquire, unless he be intimately acquainted with the French language. The same difficulty exists for those unacquainted with the English language. That difficulty has in a great measure been removed by the excellent and comprehensive consolidation of a very considerable and most important portion of that law, contained in the statutes of the first session of the parliament of Canada; but other parts of the English law are in force in Lower Canada; and it is still true, that two systems of law exist there, each of which, by reason of the language in which it is written, is inaccessible to a large portion of the people whom it binds."<sup>1</sup>

In a report of two of the Commissioners, Messrs. Buchanan and Wicksteed made on July 1, 1845, a statement is made as to the progress of the French version of the Revision which "en passant", throws some light on the diligence with which the

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<sup>1</sup>Second Report of the Commissioners for the revision of the Acts and Ordinances of Lower Canada, contained in the Prefatory Notice to The Revised Acts and Ordinances of Lower Canada, Montreal, S. Derbishire and G. Desbarats, 1845, pp. IX and X.





bilingual publication of statutes was carried out:

" Before the commencement of the session in November, 1844, the text of the English version had been completed, with a brief index, copies had been distributed to the Judges and other public officers to whom they were especially requisite, and the printing of the French version was advanced to about four hundred pages. As it was found impossible to complete the general index before the commencement of the session, or early during its progress, it was thought better to defer it until the close, when the acts passed and their effect would be known. The printing of the French version was continued and is now nearly completed; but the great press of work thrown upon the Queen's Printer in printing the acts of last session, amounting to upwards of six hundred pages in each language, has necessarily somewhat retarded the Revised Statutes."<sup>1</sup>

1.104 Further provisions for bilingual publication and distribution of statutes.

Section III of An Act to provide for the distribution of the Printed Copies of the Laws<sup>2</sup> provided:

" l'imprimeur de Sa Majesté, sera tenu de temps à autre, immédiatement après la clôture de chaque session du parlement provincial ou aussitôt après qu'il

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<sup>1</sup> Second Report of the Commissioners for the revision of the Acts and Ordinances of Lower Canada. contained in the Prefatory Notice to The Revised Acts and Ordinances of Lower Canada, Montreal, S. Derbishire and G. Desbarats, 1845, pp. X and XI.

<sup>2</sup> S. C. 1844-5, 7-8 Vict., c. 68.

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
JANUARY 1964  
MEMORANDUM  
TO: THE CHAIRMAN, DEPARTMENT OF CHEMISTRY  
FROM: [Name]  
SUBJECT: [Topic]  
[The following text is extremely faint and largely illegible. It appears to be a multi-paragraph memorandum detailing a chemical study or report.]

Very truly yours,  
[Signature]

cc: [List of recipients]  
[Additional notes or references]

[Faint text at the bottom of the page, possibly a footer or additional notes.]

sera possible, de transmettre par la voie de la poste ou autrement, et de la manière la plus économique, le nombre voulu d'exemplaires imprimés des actes de la législature de la dite province, dans la langue anglaise ou française, ou dans les deux langues, qu'il aura ainsi imprimés, aux frais publics, et de les fournir aux personnes ci-après désignées, savoir: aux membres des deux chambres de la législature, respectivement, tel nombre d'exemplaires qui pourra de temps à autre être fixé et déterminé par une résolution conjointe des deux chambres, ou à défaut de telle résolution, tel nombre d'exemplaires qui sera alors ordonné par tout ordre du gouverneur en conseil, à tels départements publics, corps administratifs et officiers dans toute l'étendue de la province, qui seront spécifiés dans tout ordre qui pourra être émané à cet effet de temps à autre par le gouverneur en conseil: Pourvu néanmoins que si quelque bill ou bills reçoivent la sanction royale pendant ou avant la fin d'aucune session du parlement provincial, l'imprimeur de Sa Majesté, sur intimation à cet effet de la part du secrétaire provincial, sera tenu de faire distribuer de la même manière, et aux mêmes personnes le nombre d'exemplaires prescrit plus haut, à l'égard de tout acte passé dans aucune session du parlement provincial; nonobstant toute disposition du présent acte à ce contraire."<sup>1</sup>

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<sup>1</sup>The above-cited Act also repealed the following Acts of the Lower Canada Assembly, which had provided for the printing and distribution of statutes: S. L. C. 2 Will. IV, c. 33; S. L. C. 34 Geo. III, c. 1; S. L. C. 43 Geo. III, c. 4, s. 2 and the Act of the Upper Canada Assembly, 44 Geo. III, c. 5.





At least two other statutes of the Parliament of the united province of Canada provided for publication and distribution of statutes in the two languages.<sup>1</sup>

1.105      Repeal of Section XLI of the Act of Union and official recognition of bilingualism.

Section XLI of the Act of Union was repealed by the Imperial Parliament in 1848, but not before the French-speaking Deputies in the Legislative Assembly of Canada had waged an intense and continuing battle for its removal. One of the leaders in the struggle for the return to bilingualism in the Canadian Legislature was Louis-Hyppolite La Fontaine. First defeated in a Lower Canadian riding, he ran and was elected from an English-speaking Toronto riding. On September 13, 1842 he rose in the House and proceeded to deliver his maiden speech in French. An Upper Canadian minister objected, and demanded that he speak in English to which objection La Fontaine replied

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<sup>1</sup> An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes, R.A.O.L.C. 1845, which repeated the terms of the Lower Canada Statute 36 Geo. III, c. 9, and An Act for the more ample Publication of certain Acts of the Provincial Parliament, R.A.O.L.C. 1845, Class K, which repeated the Lower Canada Statute 43 Geo. III, c. 4 (see 1.95 of this chapter).

The first part of the report deals with the general situation of the country and the progress of the work during the year. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and the plans for the future.

The second part of the report deals with the financial statement of the year. It shows the income and expenditure of the organization and the balance sheet at the end of the year. The third part of the report deals with the personnel of the organization. It gives a list of the staff and their duties and a description of the work done by each of them. The fourth part of the report deals with the general administration of the organization. It gives a description of the various departments and the work done by each of them. The fifth part of the report deals with the general results of the work done during the year. It gives a summary of the work done and the results achieved. The sixth part of the report deals with the plans for the future. It gives a description of the various projects and the results achieved. The report concludes with a summary of the work done and the plans for the future.

The report is a detailed account of the work done during the year. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and the plans for the future.

eloquently:

" On me demande de prononcer dans une autre langue que ma langue maternelle le premier discours que j'ai à prononcer dans cette Chambre. Je me méfie de mes forces à parler la langue anglaise. Mais je dois informer les honorables membres que quand même la connaissance de la langue anglaise me serait aussi familière que celle de la langue française, je n'en ferais pas moins mon premier discours, dans la langue de mes compatriotes canadiens-français, ne fût-ce que pour protester solennellement contre cette cruelle injustice de l'Acte d'Union qui proscriit la langue maternelle d'une moitié de la population du Canada. Je le dois à mes compatriotes, je me le dois à moi-même."<sup>1</sup>

In 1844 Gauchon and Gauvreau insisted that the Speaker of the Assembly be bilingual. The French-Canadian deputies rallied behind this demand, and Allan McNab defeated Morin for the Speakership by only three votes.<sup>2</sup>

On February 17, 1845 Laurin presented a motion in the French language, which Mr. McNab refused to allow. La Fontaine, Morin and other French-speaking Members protested strongly and the Speaker was upheld on this point only by a majority vote of the House.<sup>3</sup>

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<sup>1</sup>Quoted in Morin, Wilfrid, L'Indépendance du Québec, Montréal, 1938, p. 155.

<sup>2</sup>Bastien, op. cit., p. 18.

<sup>3</sup>Bastien, op. cit., p. 18.

The first part of the report deals with the general situation of the country. It is a very interesting and informative study of the country's development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's development.

The second part of the report deals with the economic situation of the country. It is a very interesting and informative study of the country's economic development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's economic development.

The third part of the report deals with the social situation of the country. It is a very interesting and informative study of the country's social development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's social development.

The fourth part of the report deals with the political situation of the country. It is a very interesting and informative study of the country's political development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's political development.



In 1844 the Conservative Draper-Viger government was elected, but only by a narrow majority. The latter factor induced the coalition to favour a policy of concessions to the French in order to be assured of more votes. On December 20, 1844 it was moved by the Honourable Denis Benjamin Papineau, and seconded by the Honourable George Moffat that an address be transmitted to the Queen requesting the repeal of section XLI of the Act of Union and the re-establishment of bilingualism in the Parliament of Canada. This resolution was adopted on January 31, 1845, and the draft address originally submitted on December 20 was unanimously accepted by the Assembly on February 21, 1845. The Legislative Council concurred on February 26, 1845, and on March 4, 1845, the Governor-General, Lord Metcalfe, acceding to the pressures from the Government, agreed to transmit the address to the British Secretary of State for delivery to the Queen.

The Queen transmitted her assent to the new address on February 3, 1846, via a letter addressed to the new Governor-General, Lord Cathcart, from the Secretary of State W. E. Gladstone. On August 14, 1848 the Queen assented to a special enactment of the Imperial Parliament<sup>1</sup> which had

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<sup>1</sup>Imperial Act, 1848, 11-12 Vict., c. 56.



the effect of revoking section XLI of the Act of Union, and allowing the Parliament of Canada to make such regulations as it deemed advisable concerning the use of language. In consequence, there was no longer any obstacle to restoring the French language to its former status.

The path was thus clear for French to regain its former status as a national language. At the opening of the Session of the Parliament of Canada on January 8, 1849, the Governor-General, Lord Elgin, informed the Legislature of the passage of the Union Amendment Act by the British Parliament. To confirm the import of this amendment to the Constitution of Canada, he read the speech from the Throne in both English and French. This was the first time since 1792 that the representative of the Monarch in Canada read the Throne speech in French. Till then the Governors had read it in the English language only, and had permitted the Speaker of the Legislative Council to read it in French.<sup>1</sup>

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<sup>1</sup>Bastien, op. cit., p. 19.

The first part of the paper discusses the importance of understanding the underlying mechanisms of the observed phenomena. This is followed by a detailed description of the experimental setup and the data collection process. The results of the experiments are then presented, showing a clear correlation between the variables studied. Finally, the paper concludes with a summary of the findings and suggestions for further research.

The second part of the paper focuses on the theoretical aspects of the problem. It starts with a review of the existing literature and then presents a new model that explains the observed results. The model is based on the principles of thermodynamics and statistical mechanics, and it is shown that it can accurately predict the behavior of the system under study.

The third part of the paper discusses the implications of the findings for the field of study. It shows that the results have important consequences for the understanding of the underlying processes and for the development of new technologies. The paper also highlights the limitations of the current study and suggests ways to improve the experimental setup and the theoretical model.

In conclusion, the paper provides a comprehensive analysis of the problem at hand. It shows that the observed phenomena can be explained by the proposed model, and that the results have important implications for the field of study. The paper also highlights the need for further research in this area.

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References



By this gesture bilingualism was for the first time officially recognized by the representative of the Sovereign, thus inaugurating a Parliamentary practice that persists to this day.

Furthermore, French-Canadians gained equal representation in the Cabinet of the United Provinces<sup>1</sup>. More important, from the time of the session of 1849 until Confederation, it can be said with certainty that all laws passed by the Parliament of Canada were assented to in both languages, thus making each text as valid as the other. The original records of these statutes survive to confirm this fact which has been overlooked by most commentators on the language question. Thus official bilingualism existed in Canada at least 18 years before the passage of the British North America Act, 1867.

1.106      Bilingualism in the election and in the rules of the Legislative Assembly of Canada.-

A consolidation of the various electoral statutes relating to the Legislative Assembly of the Province of Canada<sup>2</sup> provided for the use of interpreters when a prospective elector did not understand English or French:

"... whenever any Elector shall not understand the English language or the French language, or shall understand neither of the said languages, it shall be lawful for any Deputy Returning Officer to make use of an Interpreter to translate any Oath

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1. Gosselin, op. cit., p. 412.

2. 1849, 12 Vict., c. 27, s. XLVII.



or Affirmation which shall be required of such Elector, as well as the questions which shall be put to him and his answers; and such Interpreter shall take before the said Deputy Returning Officer the Oath, or if he be one of the persons permitted by law to affirm in civil cases, the Affirmation following:

'I swear (or affirm) that I will faithfully translate such oaths, declarations, affirmations, questions and answers as the Deputy Returning Officer shall require me to translate at this Election. So help me God.' "1

This provision was repeated practically verbatim in s. 57 of the 1859 Act respecting Elections of Members of the Legislature<sup>2</sup>.

In the Rules and Standing Orders of the Legislative Assembly of Canada, as published in 1854<sup>3</sup>, there were several provisions which made the use of both languages mandatory.

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1. Italics ours.
  2. 1859 C.S.C. c. 6, s. 57.
  3. Rules and Standing Orders of the Legislative Assembly of Canada, Quebec, 1854.





Rule 36 provided that all motions and questions should be put in English and in French:

"...When a motion is seconded it should be read in English and in French by the Speaker, if he is master of both languages; if not, the Speaker shall read in either of the two languages most familiar to him, and the reading of the other language shall be at the table by the Clerk or his Deputy, before debate."

Rule 5 required that all Bills be printed before the second reading in both languages, except for Bills relating only to Upper Canada, though in the latter case members were free to request French versions:

"...all Bills Public and Private, and Breviates and Abridgments thereof, be printed before the second reading, in the English and French languages in equal proportions (unless the House in certain cases dispose with such printing), with the exception of Bills relating only to Upper Canada, which shall be printed in English alone, unless otherwise required by any one member..."

Rule 61 required the Clerk of the House to publish rule 62, 63 and 64 in the Official Gazette within three months after the close of the Session. These rules required that notice of private Bills in Lower Canada should be in English and French.

Standing Order number VIII of the House stipulated the bilingual publication of all Bills and documents unless

1. The first part of the paper discusses the importance of the research and the objectives of the study.

2. The second part of the paper describes the methodology used in the study, including the data collection and analysis techniques.

3. The third part of the paper presents the results of the study, which show a significant positive correlation between the variables.

4. The fourth part of the paper discusses the implications of the findings and provides recommendations for future research.

5. The fifth part of the paper concludes the study and summarizes the main findings.

6. The sixth part of the paper provides a list of references for the sources used in the study.

otherwise directed.

" That all Bills and Documents submitted for the consideration of the House, be printed in each of the English and French languages, in equal proportion, unless otherwise directed."

In the Constitution, Rules and Regulations of the Legislative Assembly of Canada, published in 1861, with English and French texts in the same volume on opposite pages, there are further provisions for bilingualism in the Canadian Parliament<sup>1</sup>. Rule 33 was substantially the same as Rule 36 of the earlier version of the Rules and Standing Orders. The French version of Rule 33 read as follows:

"...Lorsqu'une motion est secondée elle est lue en Anglais et en Français par l'Orateur, si l'usage des deux langues lui est familier; sinon, l'Orateur lit la motion dans une langue et la fait lire dans l'autre par le Greffier avant qu'elle ne soit discutée."

Rule 50 required the Clerk of the Assembly to publish the rules related to Private Bills in the Official Gazette, and the resumé of these rules in English and French newspapers. Rule 50 read :

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<sup>1</sup>Constitution, Règles et Règlements de l'Assemblée Législative du Canada, Québec, 1861.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed.

3. The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the findings of the research. The data shows a clear trend in the relationship between the variables studied.

4. The fourth part of the document discusses the implications of the findings and provides recommendations for future research. It suggests that further studies should be conducted to explore the underlying mechanisms of the observed phenomena.

5. The final part of the document is a conclusion that summarizes the main points of the study. It reiterates the importance of the research and the need for continued investigation in this field.



" Le Greffier de la Chambre doit devant chaque vacance du parlement publier une fois par semaine dans la Gazette Officielle, les Règles suivantes touchant les avis de demandes de Bills Privés et le résumé de ces mêmes Règles dans d'autres journaux Anglais et Français."

Rule 51 required notice of Private Bills to be bilingual. Rule 58 made detailed provision for the publication by petitioners of Private Bills in both languages, and the distribution thereof:

"...(Bills Privés)...Et tous ces Bills doivent être rédigés dans les langues Anglaise et Française pour ceux qui les demandent, et imprimés par l'Entrepreneur de l'Impression des Bills de la Chambre, et 350 exemplaires en Anglais de ces Bills peuvent être déposés au Bureau des Bills Privés - avec 200 exemplaires Français s'ils concernent le Bas-Canada - avant leur Seconde Lecture; et aucun de ces Bills ne doit être lu pour la troisième fois avant que le Greffier n'ait reçu un certificat de l'Imprimeur de la Reine, déclarant qu'il lui a été fait remise du coût de l'impression de 500 exemplaires de la version Anglaise de l'Acte, et de 250 de la version Française, par le Gouvernement."

The Rules of 1861 made no mention of bilingualism in Public Bills, but Rule 39 required every Bill to be presented on motion; and Rule 33 required every motion to be bilingual.



1.107     Printing and distribution of bilingual statutes.-

In the previous sections we have noted the various provisions adopted to provide for the printing and distribution of statutes in both languages. Attention should also be drawn to a number of subsequent statutes designed to ensure similar aims. Thus, on August 30, 1851 the Parliament of Canada passed An Act to repeal part of the Act therein mentioned, relative to the Printing and distribution of the Provincial Statutes,<sup>1</sup> which provided that private and local acts should thenceforth be printed and distributed in the same numbers and to the same functionaries as Public General Acts. The effect of this Statute was to ensure that private acts would be available in both languages.

Section 8 of An Act respecting the Provincial Statutes provided for the distribution by the Queen's Printer of the text in both languages of all statutes to the following persons:

- 
1. S.P.C. 1851, 14-15 Vict., c. 81.
  2. C.S.C. 1859, c. 5.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1801. It is a very important document, as it contains the President's first message to the Congress.

2. The second part of the document is a letter from the President to the Congress, dated January 11, 1801. It is also a very important document, as it contains the President's second message to the Congress. The letter discusses the President's views on the Constitution and the role of the Executive branch.

3. The third part of the document is a letter from the President to the Congress, dated January 18, 1801. It is a very important document, as it contains the President's third message to the Congress. The letter discusses the President's views on the Constitution and the role of the Executive branch.

4. The fourth part of the document is a letter from the President to the Congress, dated January 25, 1801. It is a very important document, as it contains the President's fourth message to the Congress. The letter discusses the President's views on the Constitution and the role of the Executive branch.



" To the Members of the two Houses of the Legislature respectively, such numbers of copies each, as may from time to time be directed by any joint Resolution of the said House, or in default of such Resolution, in such numbers as shall be directed by any order of the Governor in Council, and to such Public Departments, Administrative Bodies and Officers, throughout the Province, as may be specified in any order to be for that purpose made from time to time by the Governor in Council;"

Section 13 of the same Act made provision for the distribution of copies of private acts:

" The party obtaining a private or personal Act shall furnish, at his own cost, one hundred and fifty printed copies of such Act to the Provincial Governor; but such copies need not be furnished in the French language if the Act relates only to Upper Canada."

Section 47 of An Act respecting Commissioners' Courts for the summary trial of Small Causes<sup>1</sup> provided that each Commissioner appointed under the Act should receive a printed copy thereof in both languages.

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<sup>1</sup>C.S.L.C. 1861, c. 94, which repeated section 41 of the Act 7 Vict., c. 19.

The first part of the paper discusses the importance of the study of the history of the United States. It is argued that the study of history is essential for a full understanding of the present and for the development of a sense of responsibility for the future. The second part of the paper discusses the importance of the study of the history of the United States. It is argued that the study of history is essential for a full understanding of the present and for the development of a sense of responsibility for the future.

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The tenth part of the paper discusses the importance of the study of the history of the United States. It is argued that the study of history is essential for a full understanding of the present and for the development of a sense of responsibility for the future.

An Act respecting Municipalities and Roads in Lower  
Canada<sup>1</sup> made provision for bilingual distribution of its text:

"The Governor may cause to be printed, in both languages, in such number and to be distributed in such manner as he shall deem most conducive to its publication in Lower Canada, this Act apart from the other Acts of the present Session, together with an index thereto or synopsis thereof, or both; and also a schedule of all Acts or parts of Acts making special provision for the erection of or relating to any Municipal Corporation in Lower Canada."<sup>2</sup>

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1. 1861 C.S.L.C. c. 24 and 23 Vict., c. 61.

2. s. 70.

# THE HISTORY OF THE UNITED STATES

OF THE UNITED STATES OF AMERICA  
FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME  
BY J. W. FULTON

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1.108      Provision for translation of municipal by-laws in Lower Canada.

Section 7 of An Act to amend the Municipal Act of Lower Canada<sup>1</sup> provided for the entry of the originals of municipal by-laws and translations thereof:

" The entry at full length of any such By-law in the Register of the proceedings of the Council, in the language in which such Register is usually kept, shall be deemed to be the sole original of such By-law; and the Secretary-Treasurer of the Municipality shall translate the same into English, or into French, as the case may require, and shall file in the office of the Council of the Municipality, to be there kept as a record, a fair copy of such his translation, with a written certificate at foot thereof, signed by him,..."

It was evidently assumed that municipal by-laws would be passed in one of the two official languages. But in all cases provision was made for a translation.

Section 8 of the same Act provided that every by-law should be published and promulgated in the manner prescribed by the Lower Canada Municipal Act<sup>2</sup> for the publication and promulgation of Municipal By-Laws. Sections 10 and 11 of

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<sup>1</sup>S.P.C. 1866, 29-30 Vict., c. 32.

<sup>2</sup>23 Vict., c. 61; C.S.L.C. 1861, c. 24.

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this Act stated:

" 10. Every municipal council shall publish each by-law made by it, by causing to be posted in the manner hereinbefore prescribed within fifteen days from the passing of such by-law a public notice certified by the Secretary-Treasurer, mentioning the date and object of such By-law, and the place where communication thereof may be had:

In parishes, the council shall also publish all by-laws, by causing them to be read in the English and French languages, unless the use of either of the said languages be dispensed with, and then in that one of the said languages which should be used, at the door of the church of the parish to which they relate, immediately after divine service in the forenoon, if such service be celebrated, on each of the two Sundays next after the passing of such by-laws;

And every such council may also cause all, or any, of such by-laws to be published in any newspaper printed in the district, or in any adjoining district. Ibid, s. 10.

11. The Governor may, by order in council, declare that the publication to be made under this Act of any notice, by-law or resolution, shall be made in one language only, in any municipality the council whereof have shewn that such publication may be so made without detriment to any of the inhabitants thereof; The Provincial Secretary shall cause a copy of every such order in council to be inserted in The Canada Gazette, and from the date of such insertion the publication of all such notices, by-laws and resolutions may be legally made in the municipality referred to in such order in council in the language only which is thereby prescribed. 23 V. c.61."

The first part of the paper discusses the importance of the study and the objectives of the research. It also provides a brief overview of the methodology used in the study.

The second part of the paper presents the results of the study. It includes a detailed description of the data collected and the analysis performed. The results are presented in a clear and concise manner, with appropriate use of tables and figures.

The third part of the paper discusses the implications of the study. It highlights the key findings and their significance for the field of research. It also provides suggestions for future research.

The fourth part of the paper concludes the study. It summarizes the main points of the paper and reiterates the importance of the research. It also provides a final statement on the findings of the study.



1.109      Unilingual publication of statutes in Upper Canada.

The general rule was that statutes relating to Upper Canada should be published in English only, but translations were allowed at the discretion of the Governor. This was in effect a continuation of the practice which had existed from the time of the creation of the Province of Upper Canada; though on June 3, 1793 the Legislature of Upper Canada had passed a resolution which apparently required that all Acts be translated into the French language<sup>1</sup>. Section 17 of An Act respecting the Consolidated Statutes for Upper Canada<sup>2</sup> provided as follows:

"17. It shall not be necessary that the said Consolidated Statutes for Upper Canada be translated into French, but the Governor may, in his discretion, cause a translation to be made and printed at any time thereafter."

The undersigned inquired from the Ontario Department of Public Records and Archives whether any French versions of the Statutes of Upper Canada were ever printed. On November 1, 1965 Mr. D. F. McOuat, Archivist of Ontario, replied as follows:

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<sup>1</sup> cf. 1.96

<sup>2</sup> S.P.C. 1859, c. 30.



" In reply I should state that we have never seen official copies of the Statutes or Proceedings of the Legislative Assembly of Upper Canada printed in the French language. I have noted your reference to a resolution passed by the Legislative Assembly on 3 June 1793 but I have been unable to find what action was taken subsequently. Presumably, before any expenditure was authorized, the project would have to be approved by the Legislative Council and the Lieutenant-Governor.

I gather that lieutenant-governors' special proclamations were, under certain circumstances, sometimes printed in French. For example, Tremaine's Bibliography of Canadian Imprints 1751-1800 lists, on page 438, a broadsheet proclamation in French by Simcoe regarding the sale of liquor to the Indians. This would be logical no doubt in reference to traders operating out of the Detroit area."

1.110      Codification of the civil laws of Lower Canada.

On June 10, 1857 the Parliament of Canada, acting in accordance with the recommendation contained in the Second Progress Report of the Commissioners for the Revision of 1845, passed An Act to provide for the Codification of the Laws of Lower Canada relative to Civil Matters and Procedure.<sup>1</sup> The Preamble to this Act indicated that a primary purpose of the

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<sup>1</sup>S.P.C. 1857, 20 Vict., c. 43.

The first part of the report deals with the general situation of the country and the position of the various groups. It is followed by a detailed account of the events of the last few years, and then a summary of the results of the investigation. The report is written in a clear and concise style, and is well illustrated with maps and diagrams. It is a valuable contribution to the knowledge of the country and its people.

The second part of the report deals with the economic situation of the country. It is followed by a detailed account of the events of the last few years, and then a summary of the results of the investigation. The report is written in a clear and concise style, and is well illustrated with maps and diagrams. It is a valuable contribution to the knowledge of the country and its people.

The third part of the report deals with the social situation of the country. It is followed by a detailed account of the events of the last few years, and then a summary of the results of the investigation. The report is written in a clear and concise style, and is well illustrated with maps and diagrams. It is a valuable contribution to the knowledge of the country and its people.

The fourth part of the report deals with the political situation of the country. It is followed by a detailed account of the events of the last few years, and then a summary of the results of the investigation. The report is written in a clear and concise style, and is well illustrated with maps and diagrams. It is a valuable contribution to the knowledge of the country and its people.

The fifth part of the report deals with the cultural situation of the country. It is followed by a detailed account of the events of the last few years, and then a summary of the results of the investigation. The report is written in a clear and concise style, and is well illustrated with maps and diagrams. It is a valuable contribution to the knowledge of the country and its people.

The sixth part of the report deals with the religious situation of the country. It is followed by a detailed account of the events of the last few years, and then a summary of the results of the investigation. The report is written in a clear and concise style, and is well illustrated with maps and diagrams. It is a valuable contribution to the knowledge of the country and its people.

The seventh part of the report deals with the educational situation of the country. It is followed by a detailed account of the events of the last few years, and then a summary of the results of the investigation. The report is written in a clear and concise style, and is well illustrated with maps and diagrams. It is a valuable contribution to the knowledge of the country and its people.

The eighth part of the report deals with the health situation of the country. It is followed by a detailed account of the events of the last few years, and then a summary of the results of the investigation. The report is written in a clear and concise style, and is well illustrated with maps and diagrams. It is a valuable contribution to the knowledge of the country and its people.

The ninth part of the report deals with the legal situation of the country. It is followed by a detailed account of the events of the last few years, and then a summary of the results of the investigation. The report is written in a clear and concise style, and is well illustrated with maps and diagrams. It is a valuable contribution to the knowledge of the country and its people.

The tenth part of the report deals with the military situation of the country. It is followed by a detailed account of the events of the last few years, and then a summary of the results of the investigation. The report is written in a clear and concise style, and is well illustrated with maps and diagrams. It is a valuable contribution to the knowledge of the country and its people.



Codification was to make available the private law of Lower Canada to both segments of the population in the language in which each could understand it:

"WHEREAS the Laws of Lower Canada in Civil Matters, are mainly those which at the time of the cession of the country to the British Crown, were in force in that part of France then governed by the Custom of Paris, modified by Provincial Statutes, or by the introduction of portions of the Law of England in peculiar cases; and it therefore happens, that the great body of the Laws in that division of the Province, exist only in a language which is not the mother tongue of the inhabitants thereof of British origin, while other portions are not to be found in the mother tongue of those of French origin; And whereas the Laws and Customs in force in France at the period above mentioned, have there been altered and reduced to one general Code, so that the old laws still in force in Lower Canada are no longer re-printed or commented upon in France, and it is becoming more and more difficult to obtain copies of them, or of the commentaries upon them; And whereas the reasons aforesaid, and the great advantages which have resulted from Codification, as well in France as in the State of Louisiana, and other places, render it manifestly expedient to provide for the Codification of the Civil Laws of Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:"

Article 1 of the Act provided for the personnel of the commission for the Codification:

There is a lot of talk about the importance of the environment, but it is not always clear what this means in practice. It is not enough to say that we should protect the environment; we need to know what this entails and how to achieve it.

The first step is to understand what the environment is. It is not just the natural world, but also the human-made world. The environment is everything that surrounds us, from the air we breathe to the ground we walk on. It is the sum of all the things that affect our lives, both good and bad. We need to understand the environment in this broad sense if we are to protect it properly.

Next, we need to know what the threats to the environment are. There are many different threats, but some of the most serious are climate change, pollution, and deforestation. Climate change is caused by the greenhouse effect, which is the result of too many greenhouse gases in the atmosphere. Pollution is caused by the release of harmful substances into the environment. Deforestation is the removal of trees, which destroys habitats and contributes to climate change.

Once we know what the threats are, we need to know how to protect the environment. There are many different ways to do this, but some of the most important are to reduce greenhouse gas emissions, to reduce pollution, and to stop deforestation. We can do this by changing the way we live and work. For example, we can use less energy, we can recycle, and we can plant trees.

Finally, we need to know how to monitor the environment. We need to know what is happening to the environment, so that we can take action if necessary. This can be done by using scientific methods, such as monitoring the levels of greenhouse gases in the atmosphere, or by using satellite imagery to monitor deforestation.

It is clear that the environment is a complex and important issue. We need to understand it, we need to know what the threats are, and we need to know how to protect it. Only then can we hope to create a better world for ourselves and for future generations.

" The Governor is hereby authorized to appoint three fit and proper persons, Barristers of Lower Canada, to be Commissioners for Codifying the Laws of that division of the Province in Civil Matters, and two fit and proper persons, being also such Barristers, to be Secretaries to the Commission, one of whom shall be a person whose mother tongue is English but who is well versed in the French language, and the other a person whose mother tongue is French but who is well versed in the English language."

Article XV of the Act required that the Codes should be printed in both languages, and the two texts should stand side by side:

" The said Codes and Reports of the Commissioners, shall be framed and made in the French and English languages, and the two texts, when printed, shall stand side by side."

Thus was inaugurated the practice of printing the laws of Quebec with English and French versions on opposite sides of the page - a practice which continues to this day. Prior to that time the English and French versions of the laws had been in separate volumes.

Although the statute was passed in June, 1857, it was not acted upon for more than a year and a half. Commissioners were appointed in 1859. They drafted eight reports in all on the Civil Code and terminated their work on November

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25, 1864. On January 31, 1865 a Bill was introduced to adopt the new Code and on March 8, 1865, it was adopted. Under the provisions of the Act, the Governor issued a Proclamation fixing August 1, 1866 as the date on which the Civil Code should come into force.

McCord, one of the Secretaries to the Commissioners, concluded his preface to the first edition of the Code by writing,

" The English speaking residents of lower Canada may now enjoy the satisfaction of at last possessing in their own language the laws by which they are governed, and the Province of Quebec will bring with her into confederation a system of laws of which she may be justly proud, a system mainly founded on the steadfast, time-honored and equitable principles of the civil law, and which not only merits admiration and respect, but presents a worthy model for legislation elsewhere."<sup>1</sup>

1.111 Bilingualism in the administration of justice.

Under the Act of Union the organization of the courts increased in complexity, and there were further legislative provisions for bilingualism in the courts of Lower Canada. All laws concerning the administration of justice which existed in each province at the time of Union, remained in force. Thus, while the French language lost its status in the Legislature,

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<sup>1</sup>Civil Code of Quebec, 1866, Preface.



it retained it in the courts. In Section XII of An Act to provide for the more easy and expeditious administration of Justice in Civil Causes...in Lower Canada<sup>1</sup>, it was provided that summonses should be served in the same manner as those issuing out of Superior Courts of Civil Jurisdiction in Lower Canada. The significance of the phrase "in the same manner" is that summonses could thus be served in either language according to the law of the land, notwithstanding the repeal in 1801 of the Ordinance of 1785 which had required that summonses be served in the language of the Defendant. The decision of Mr. Justice Reid of the Court of King's Bench in the case of R. v. Talon bears out the latter contention.<sup>2</sup>

In 1843 the Parliament of Canada passed an act<sup>3</sup> which provided expressly that all writs of processes out of any Court of Queen's Bench should be in both the English and French languages. This made for a stricter bilingualism than before, seeing that in the past the parties had had the

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<sup>1</sup>S.P.C. 1841, 4-5 Vict., c. 20.

<sup>2</sup>cf. 1.73.

<sup>3</sup>An Act to repeal certain Acts and Ordinances therein mentioned, and to make better provision for the Administration of Justice in Lower Canada, S.P.C. 1843, 7 Vict., c. 16, s. XVIII.





option of choosing either language. The same Act provided that notice to appear should be given twice in an English newspaper and twice in a French newspaper where personal service of the Defendant was not possible:

"...in any suit or action to be brought against any person who shall have left his domicile in Lower Canada, or against any person who shall have had no domicile in Lower Canada, but shall have personal or real estate in the same, it shall be lawful for the plaintiff, if no curator be appointed in the ordinary course of law to represent such person, to summon and implead such person, by a writ issued, in the usual way, out of the Court of Queen's Bench, or out of any of the Circuit Courts in and for the District or Circuit wherein such person may have had his domicile, or where such property may be situate; and that upon the return of the Sheriff or of the Bailiff to the writ, that the defendant cannot be found in the said District or Circuit, it shall be lawful for the Court to order that the defendant shall, by an advertisement, to be twice inserted in the English language in any Newspaper published in that language, and twice in the French language in any Newspaper published in that language, in lower Canada, be notified to appear and answer such suit or action, within two months after the last insertion of such advertisement; and that upon neglect of the defendant, to appear and answer to such suit or action within the period aforesaid, it shall be lawful for the plaintiff to proceed to trial and judgment as in a case by default."<sup>1</sup>

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<sup>1</sup>s. LIV.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed.

3. The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the findings of the research. The data shows a clear trend of increasing activity over time, which is consistent with the hypothesis.

4. The fourth part of the document discusses the implications of the findings. It suggests that the results have significant implications for the field of research and may lead to further developments in the future. The authors also acknowledge the limitations of the study and suggest areas for further research.

5. The fifth part of the document provides a conclusion and a summary of the key findings. It reiterates the importance of the study and the need for continued research in this area. The authors express their gratitude to the funding agency and the participants who made the study possible.

6. The sixth part of the document includes a list of references and a list of figures. The references cite the works of other researchers in the field, while the figures provide a visual representation of the data presented in the text.

7. The seventh part of the document is a list of appendices. It includes a detailed description of the experimental setup, a list of the equipment used, and a list of the data collected. The appendices provide additional information that supports the findings of the study.

8. The eighth part of the document is a list of footnotes. It includes additional information that is not included in the main text but is relevant to the study. The footnotes provide a more complete picture of the research and its findings.

9. The ninth part of the document is a list of acknowledgments. It includes a list of the individuals and organizations that provided support and assistance during the study. The authors express their appreciation for the help and support they received.

10. The tenth part of the document is a list of the authors' contact information. It includes the names of the authors, their affiliations, and their contact details. This information is provided for those who wish to contact the authors or request further information.

In 1843, it was provided that all writs and processes issued out of the Court of Appeals should be in both languages.<sup>1</sup>

On June 9, 1846, the various provisions which made it compulsory to issue writs and processes from the Court of Queen's Bench and the Court of Appeals in both languages were abrogated and the general rule was laid down that all writs and processes emanating from any court in Lower Canada should be in either language at the option of the parties<sup>2</sup>. This is still the rule today in Quebec as recognized by Article 118 of the Code of Civil Procedure. This enables the parties to plead in either language and to reply to each other's pleadings in the language of their choice. Parties can even switch from one language to another in the midst of a case. This is also the rule embodied in Section 133 of the B.N.A. Act insofar as federal and Quebec courts are concerned.

In 1849 the right of parties to resort to either French or English in all writs and processes in the Court of Appeal was reaffirmed by statute<sup>3</sup>. The same right to use

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<sup>1</sup>An Act for the establishment of a better Court of Appeals in Lower Canada, S.P.C. 1843, 7 Vict., c. 18, s. X, and reference should also be had to An Act respecting Commissioners Court for the summary trial of Small Causes, S.P.C. 1843, 7 Vict., c.19, s.XI.

<sup>2</sup>S.P.C. 1846, 9 Vict., c. 29, s. I.

<sup>3</sup>S.P.C. 1849, 12 Vict., c. 37, s. I which was repeated as section 28 of An Act respecting the Court of Queen's Bench, C.S.L.C.1861, c. 77.





French or English in the Superior Court and in the Circuit Court was similarly reaffirmed in another statute of 1849<sup>1</sup>. Provision was again made for summoning absent defendants by newspapers in both languages<sup>2</sup>. Further protection of bilingualism in the administration of justice was found in the requirement that all prospective bailiffs of the Superior Court be able to write either French or English<sup>3</sup>.

In An Act to incorporate The Bar of Lower Canada,<sup>4</sup> it was stipulated that no-one could be admitted to the Bar of Lower Canada without knowing either English or French.

Parliament also provided for official translators in the courts of justice<sup>5</sup>. In 1855 it was provided that from then on all bailiffs should be able to write either French or English.<sup>6</sup>

1.112      Mixed juries: racial difficulties.-

The position of mixed juries was clarified in Lower Canada during this period. In 1847, the right of aliens to participate in juries de medietate linguae was affirmed.<sup>7</sup>

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<sup>1</sup>S.P.C. 1849, 12 Vict., c. 38, ss. 19 and 51, repeated in C.S.L.C. 1861, c. 83.

<sup>2</sup>id., s. 94.

<sup>3</sup>id., s. 158 (1) first enacted as 18 Vict., c. 109, s. 1.

<sup>4</sup>S.P.C. 1849, 12 Vict., c. 46, s. XXVI.

<sup>5</sup>S.P.C. 1849, 12 Vict., c. 38, s. XXXVI repeating 14-15 Vict., c. 89, s. IV, and carried into 1861 C.S.L.C. c. 8, s. 36.

<sup>6</sup>1855, 18 Vict., c. 104, s. 1.

<sup>7</sup>by S.P.C. 1847, 10-11 Vict., c. 13, s. XXIII.

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Two years later a statute set out detailed provisions for mixed jury trials in civil as well as in criminal cases in the Districts of Quebec and Montreal<sup>1</sup>. This Act was important because, while the right to a mixed jury had existed since 1787, it had been subverted by abuses in the selection procedures. Lord Durham reported that "the most serious mischief in the administration of criminal justice, arises from the entire perversion of the institution of juries, by the political and national prejudices of the people."<sup>2</sup> He described the ill-effects of these abuses:

" For a long time the composition of both grand and petit juries was settled by the Governor, and they were at first taken from the cities, which were the chefs lieux of the district. Complaints were made that this gave an undue preponderance to the British in those cities; though, from the proportions of the population, it is not very obvious how they could thereby obtain more than an equal share. In consequence, however, of these complaints, an order was issued under the government of Sir James Kempt, directing the sheriffs to take the juries not only from the cities, but from the adjacent country, for fifteen leagues in every direction. An Act was subsequently passed, commonly called 'Mr. Viger's Jury Act,' extending these limits

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<sup>1</sup>S.P.C. 1851, 14-15 Vict., c. 89.

<sup>2</sup>Lord Durham's Report on the affairs of British North America,  
op. cit., p. 126.

The first part of the report deals with the general situation of the country. It is a very interesting and informative study of the country's development. The second part of the report deals with the specific details of the country's development. It is a very detailed and informative study of the country's development. The third part of the report deals with the specific details of the country's development. It is a very detailed and informative study of the country's development.

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to those of the district. The principle of taking the jury from the whole district, to which the jurisdiction of the court extended, is undoubtedly in conformity with the principles of English law; and Mr. Viger's Act, adopting the other regulations of the English jury law, provided a fair selection of juries. But if we consider the hostility and proportions of the two races, the practical effect of this law was to give the French an entire preponderance in the juries. This Act was one of the temporary Acts of the Assembly, and, having expired in 1863, the Legislative Council refused to renew it. Since that period, there has been no jury law whatever. The composition of the juries has been altogether in the hands of the Government: Private instructions, however, have been given to the sheriff to act in conformity with Sir James Kempt's ordinance, but though he has always done so, the public have had no security for any fairness in the selection of the juries. There was no visible check on the sheriff; the public knew that he could pack a jury wherever he pleased, and supposed, as a matter of course, that an officer, holding a lucrative appointment at the pleasure of Government, would be ready to carry into effect those unfair designs which they were always ready to attribute to the Government...

The French complain that the institution of both grand and petit juries have been repeatedly tampered with against them. They complain that when it has suited the interests of the Government to protect persons guilty of gross offences against the French party, they have attained their end by packing the grand jury...The French Canadians further complain that the favourable decision of a grand jury was of



no avail to those who had fallen under the displeasure of the Government. There are several instances in the recent history of Lower Canada, in which an attorney-general, being dissatisfied with the conduct of the grand jury in ignoring a bill, either repeatedly preferred indictments for the same offence, until he obtained a grand jury which would find them, or filed ex-officio informations.

Nor are the complaints of the English population of a less serious nature. They assert, unhappily on too indisputable grounds, that the Canadian grand and petit juries have invariably used their power to insure impunity to such of their countrymen as had been guilty of political offences."<sup>1</sup>

The need was therefore very great for a regulated system of jury selection. The new Act attempted to do this. It provided for a strict equality between English and French jurors in the Quebec and Montreal District:

" That of the Grand Jurors and Petit Jurors, hereafter to be summoned to serve before any Court holding criminal jurisdiction at the Cities of Quebec and Montreal, one-half shall be composed of persons speaking the English language, and the other half of persons speaking the French language, to be selected by the Sheriff from the list of Grand Jurors and Petit Jurors in the order in which the names of each class, respectively, are inscribed therein."<sup>2</sup>

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<sup>1</sup>id., pp. 126-129.

<sup>2</sup>s. 3 (3) of the statute.

The first part of the report is devoted to a description of the experimental conditions and the results of the measurements. The second part is devoted to a discussion of the results and a comparison with the theoretical predictions. The third part is devoted to a summary of the results and a conclusion.

The experimental conditions were as follows: The temperature was kept constant at 20°C. The pressure was kept constant at 1 atm. The concentration of the solution was kept constant at 0.1 M. The results of the measurements are shown in Table I.

The theoretical predictions are based on the following assumptions: The reaction is first order with respect to the concentration of the reactant. The rate constant is independent of the concentration of the reactant. The rate constant is independent of the temperature.

The results of the measurements are in good agreement with the theoretical predictions. The rate constant is independent of the concentration of the reactant. The rate constant is independent of the temperature. The results of the measurements are shown in Table I.



Mixed juries were to be the exception rather than the rule:

" unless the prosecuting officer, and the party prosecuted consent that the trial Jury be composed exclusively of persons speaking the English language or of persons speaking the French language, or unless the party prosecuted demand, in the manner and at the time hereinafter provided, a jury composed, for the one-half, at least, of persons skilled in the language of his defence, (if such language be either the English or the French language,) the said jury shall be composed of the first twelve persons, who, being called from the General Panel shall appear, and shall not be lawfully challenged."<sup>1</sup>

The procedure of remedying the defect in a panel of jurors skilled in the language of the defence by means of a tales was discontinued and jurors skilled in the language of the defence were to be selected only from the general panel:

" That whenever any prosecuted party, upon being arraigned, demands a Jury composed for the one-half at least, of persons skilled in the language of his defence, if such language be either English or French, he shall be tried by a Jury composed, for the one-half, at least of the persons whose names stand first in succession upon the General Panel, and who, on appearing, and not being lawfully challenged, are found in the judgment of the Court to be skilled in the language of the defence."<sup>2</sup>

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<sup>1</sup>s. 3 (6).

<sup>2</sup>s. 3(8).



In the absence of sufficient persons skilled in the language of the defence, the trial was to be postponed:

" And whenever from the number of challenges, or from any other cause, there is, in any such case, a deficiency of persons skilled in the language of the defence, the Court shall fix another day for the trial of such case, and the Sheriff shall supply the deficiency by summoning, for the day so fixed, such additional number of jurors skilled in the language of the defence as the Court may order, and as shall be found inscribed next in succession on the list of Petit Jurors."<sup>1</sup>

The right to a mixed jury in civil cases was also regulated. This right was not confined to the districts of Quebec and Montreal, as it apparently was in criminal cases. On the other hand, the number of challenges was limited, although there was no such restriction in criminal cases:

" upon the unopposed demand of any party to any civil suit or action in which a trial by Jury may now be legally had, it shall be lawful for the Court or any two Judges thereof, to order that the Jurors to be summoned to try the issue or issues in such suit or action, shall be composed exclusively of persons speaking the English language or of persons speaking the French language, and if any such demand be opposed by any other party to any such suit or action, the said Court or Judges shall

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<sup>1</sup>s. 3 (9).

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order that the Jurors to be summoned for such trial shall be composed in equal numbers of persons speaking the English language and of persons speaking the French language; and when a Jury de medietate linguae shall have been so ordered to be summoned, it shall not be lawful for either of the parties to strike from the list of Jurors prepared by the Prothonotary or Clerk, in any such case, the names of more than six persons speaking the English language and of six persons speaking the French language."<sup>1</sup>

These provisions were repeated unchanged in An Act respecting the selecting and summoning of Jurors<sup>2</sup>.

1.113 The Canada Jury Act.-

In 1864, the Provincial Parliament passed An Act respecting Jurors and Juries<sup>3</sup>. This Act, also known by its short title of The Canada Jury Act, provided the general rule that in the Quebec and Montreal Districts, half the jurors summoned were to be of each language, adding that this could be extended to other districts upon the application of the Grand Jurors<sup>4</sup>. The linguistic qualification of all prospective jurors was to be noted opposite their name<sup>5</sup>. The right of an accused to demand that the jury be composed of at least one-half of persons speaking his own language was recognized<sup>6</sup>. In murder cases the accused

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<sup>1</sup>s. 4 (7).

<sup>2</sup>C.S.L.C. 1861, c. 84.

<sup>3</sup>S.P.C., 1864, 27-28 Vict., c. 41.

<sup>4</sup>s. 5 (4).

<sup>5</sup>s. 5 (5).

<sup>6</sup>s. 7 (2).



could demand that the jury be composed entirely of persons speaking his own language<sup>1</sup>. The Act also contained detailed provision for making up deficiencies in the required number of French or English jurors<sup>2</sup>. Section 7 (8) limited for the first time the number of challenges allowed in criminal cases:

" No person arraigned and about to be tried for any felony shall be permitted peremptorily to challenge more than twenty of the Jurors, appearing when called in Court to serve as Jurors upon such trial; and no challenge on behalf of the Crown shall be finally maintained by the Court except for cause, unless there remains a sufficient number of qualified Jurors in attendance on the Court, without the persons challenged, after the right of challenge on behalf of the party prosecuted has been exhausted;"

The importance of the foregoing provisions conferring the right to a mixed jury in criminal cases lies in the fact that they form, even today, the basis in Quebec of the right to a mixed jury. Indeed, section 535 of the Criminal Code of Canada does not confer directly to persons accused in Quebec a right to demand a mixed jury. This right is derived from the Canada Jury Act of 1864, which was carried into the law of

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<sup>1</sup>s. 7 (3).

<sup>2</sup>s. 7 (4) to s. 7 (7).

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Quebec by the terms of Section 129 of the B.N.A. Act<sup>1</sup>. After passage of the B.N.A. Act, the right to a mixed jury in Quebec could only be abrogated by the Parliament of Canada because it is a matter falling within criminal procedure, a subject assigned to the exclusive jurisdiction of Parliament by the terms of Section 91 (27) of the B.N.A. Act<sup>2</sup>.

Section 9 of the Canada Jury Act of 1864 established conditions for the right to a method of choosing mixed juries in civil cases:

" If the parties to such suit be of different origins, and if any of them demand a jury de medietate linguae, the Court or Judge shall order that the jurors, summoned for such trial, shall be

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<sup>1</sup>"129. Except as otherwise provided by this Act, all Laws in force in Canada, Nova Scotia, or New Brunswick at the Union, and all Courts of Civil and Criminal Jurisdiction, and all legal Commissions, Powers, and Authorities, and all Officers, Judicial Administrative, and Ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia, and New Brunswick respectively, as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland,) to be repealed, abolished, or altered by the Parliament of Canada, or by the Legislature of the respective Province, according to the Authority of the Parliament or of that Legislature under this Act."

<sup>2</sup>cf. 5.02.





composed in equal numbers of persons speaking the English language and of persons speaking the French language;"<sup>1</sup>

The conditions for the selection of a unilingual jury were laid down as follows:

" If the parties to any cause be all either of French or of English origin, or if, being of different origins, the demand of any of them to that effect be unopposed, the Court or any Judge thereof may order that the jurors to be summoned to try any issue in such suit, shall be composed exclusively of persons speaking the English language, or of persons speaking the French language, according to the language of the parties, or according to the demand, as the case may be;"<sup>2</sup>

The number of challenges to a mixed jury were limited to 6 per party:

" On the striking of a Jury de medietate linguae or of a Jury composed under the order of a Court or Judge, in part of traders and in part of non-traders, neither of the parties shall strike from the panel the names of more than six persons speaking the same language, when the difference in qualification is in language; or of more than six persons therein designated as merchants or traders, and of six persons not therein designated as such, when the difference in qualification is in the nature of the Jurors' occupation;"<sup>3</sup>

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<sup>1</sup>s. 9 (7).

<sup>2</sup>s. 9 (8).

<sup>3</sup>s. 9 (10).

1. The first part of the report is a general introduction to the subject of the study. It discusses the importance of the study and the objectives of the research.

2. The second part of the report is a detailed description of the methodology used in the study. It includes information about the sample, the data collection methods, and the statistical analysis.

3. The third part of the report is a discussion of the results of the study. It presents the findings of the research and discusses their implications. It also compares the results with previous studies and discusses the limitations of the study.

4. The fourth part of the report is a conclusion. It summarizes the main findings of the study and provides recommendations for future research.

5. The fifth part of the report is a list of references. It includes all the sources used in the study, such as books, articles, and websites.

These provisions of the Canada Jury Act, regarding mixed juries in civil cases have been carried (with modifications) into articles 436 and 436a of the present Quebec Code of Civil Procedure.<sup>1</sup>

1.114      Requirement that official notices be bilingual in Lower Canada.

This period witnessed an increase in the number of legislative provisions regarding bilingual notices and advertisements from courts and judicial officers. Most of such communications advertised unclaimed goods, or protected creditors' rights. There was also a proliferation of bilingual notices required from public commissioners and corporations, as well as private individuals and corporations. Virtually all of these sought to protect property rights. Notices of election to the Legislative Assembly of Canada were also required by law to be in both languages.<sup>2</sup>

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<sup>1</sup>cf. 5.16 et seq..  
<sup>2</sup>cf. 9.02.





E - CONFEDERATION

1.115 Quebec Resolutions.-

Section 46 of the Quebec Resolutions of 1864(repeated identically in Resolution 45 of the London Resolutions of 1866) provided as follows for the protection of the French language:

" Both the English and French Languages may be employed in the General Parliament and in the proceedings, and in the Local Legislature of Lower Canada, and also in the Federal Courts and in the Courts of Lower Canada."1

The Resolution had been proposed on October 26, 1864 by Alexander T. Galt and adopted unanimously. Two factors must be borne in mind in a consideration of this Resolution. Firstly, only 3 out of the 30 delegates at the Quebec Conference were French-Canadians. Secondly, the Resolution was permissive and not mandatory in its expression. It did not impose any obligation to use the French language in the Federal Parliament or courts; similarly, it was not obligatory that English be used in the Lower Canadian Legislature or Courts.

1.116 Parliamentary debate on Quebec Resolution 46 .-

The Resolution was debated in the third session of the

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1. Ollivier, M. op.cit., p.46; see p. 57 for London Resolution No. 45. For Quebec resolution 46 see also: Journal of the Legislative Assembly of Canada, 1865, in Documents illustrative of the Canadian Constitution, ed. by W. Houston, Toronto, 1891, pp. 202-209 and Minutes of the Proceedings in Conference of the Delegates from the Provinces of British North America, October 1864, Conference Chamber, Parliament House, Quebec, Wednesday, October 26, 1864, in Confederation by Joseph Pope, Toronto, 1895, pp. 1-38.

# Introduction

Chapter 1: The Basics

Section 1.1: The Basics of the Basics

Section 1.2: The Basics of the Basics

Section 1.3: The Basics of the Basics

Section 1.4: The Basics of the Basics

Section 1.5: The Basics of the Basics

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eighth Provincial Parliament of Canada, and a perusal of the speeches indicates how the language guarantee came to be more stringent in its ultimate expression in s. 133 of the B.N.A. Act than it had been in the Resolution. On Wednesday, March 8, 1865, Félix Geoffrion (Verchères) made the following observations on Resolution 46e:

"A close examination of this resolution shows at once that it does not declare that the French language is to be on the same footing as the English language in the Federal and Local Legislatures; in place of the word 'shall' which ought to have been inserted in the resolution, the word used is 'may', so that if the British majority decide that the votes and proceedings and Bills of the House shall be printed only in English, nothing can prevent the enactment taking effect. Of course we shall be allowed to use the French language in debate, but on no other hand, it is evident that the majority may, whenever they choose, enact that the bills and proceedings of the House shall not be printed in French, and consequently the clause affords no security whatever to us French-Canadians."1

. . . . .  
" The Lower Canada members who have always supported the Ministry ought to urge them to insert a clause in the resolution declaring that the French language shall be in the same footing as the English language; the guarantee afforded us by the resolutions as they now stand, amounts to nothing . . . we French-Canadian members are bound to see that the resolutions are not

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1. Parliamentary Debates on the Subject of the Confederation of the British North American Provinces, 3rd Session, 8th Provincial Parliament of Canada.(Quebec, 1865) p. 779.





written in such a way as to be susceptible of the interpretations."<sup>1</sup>

" I trust that the Lower Canada members will not shirk their duty, and that they will insist on the Government declaring, in their resolution, that all these things we hold so dear shall be protected from the attacks of our adversaries. Every danger of false interpretation ought to be removed from these resolutions. If, as it is stated, our language is to be fully protected under the new system, I do not see why it is not so stated clearly in the Constitution."<sup>2</sup>

The Hon. Solicitor-General Hector Langevin (Dorchester)

replied to Geoffrion in the following words:

". . . . I am quite sure the honourable member for Verchères will be delighted to learn that it was perfectly well understood at the Conference at Quebec that the French language should not only be spoken in the Courts of Justice, in the Federal Parliament and in the Legislature of Lower Canada, but that, precisely as is now the case, the votes and proceedings of the Legislature as well as all the Federal laws and those of the Legislature of Lower Canada, should be printed in both languages. And what is still more, under Confederation the French language will be spoken before the Federal tribunals, an advantage which we do not possess at present when we apply to the Court of Appeals of Great Britain. These are the principles upon which the new Constitution will be based, and I feel justified in going so far as to say that it was impossible to secure more effectively this essential privilege of our nationality, and at the same time our civil and religious institutions." <sup>3</sup>

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1. Parliamentary Debates on the Subject of the Confederation of the British North American Provinces, 3rd Session, 8th Provincial Parliament of Canada. (Quebec, 1865) p. 780.
  2. id., p. 781.
  3. id., p. 782.



Geoffrion could not be placated, however, and addressed the House in rebuttal:

" . . . I cannot by myself, like the honourable member, see the splendid protection he vaunts so highly . . . It will always be optional with the British majority to avail themselves of the letter of the Constitution, and they may at any time say to us: ' You cannot have it, we oppose it, and the Constitution does not confer on you the rights you claim under it.'

" We French-Canadian members, I repeat it, ought to insist that the word 'shall' be substituted for the word 'may' in the resolution relating to this matter, with reference to the publication of the proceedings of the Legislature. If this is not done, and if we do not take every possible precaution, sooner or later the English speaking majority in the Federal Legislature will unite against us on this point, and enact that the law shall be printed in the English language only." <sup>1</sup>

Geoffrion concluded his address with the following words:

" If we vote these resolutions as they are, we shall vote without knowing exactly the nature of the guarantees they afford us." <sup>2</sup>

E. Rémillard entered the debate and made the following remarks:

"Mention is also made of the use of the French language; it is said that it cannot be used in the Federal Parliament. But, for my part, I am of the opinion that if the scheme is adopted, the French language will be more used and will be held in higher estimation in the Federal Parliament,

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1. Parliamentary Debates on the Subject of the Confederation of the British North American Provinces, 3rd Session, 8th Provincial Parliament of Canada. (Quebec, 1865) p. 782.
  2. id., p. 783.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862.

2. The second part is a report from the Secretary of the Treasury, dated January 10, 1862.

3. The third part is a report from the Secretary of the Interior, dated January 10, 1862.

4. The fourth part is a report from the Secretary of the Navy, dated January 10, 1862.

5. The fifth part is a report from the Secretary of the War, dated January 10, 1862.

6. The sixth part is a report from the Secretary of the State, dated January 10, 1862.

7. The seventh part is a report from the Secretary of the Army, dated January 10, 1862.

8. The eighth part is a report from the Secretary of the Navy, dated January 10, 1862.



than it has been in this Legislature for some years. It is feared that the laws, the documents and the Proceedings of the Federal Parliament are not to be printed in the French language."<sup>1</sup>

He then continued:

" . . . if the use of the French language can be excluded, so also may the use of English language be excluded, for both are on an equal footing. Because it is not stated that the law and proceedings of the Federal Parliament shall be printed in the French language, the conclusion is drawn that they will be so in English; but the same might be said of the English language, as it is not stated that they will be printed in that language. . . . in that case the member for Lower Canada might be compelled to speak French; but are the Upper Canadian members also to be forced to speak that language, they who do not understand a word of it?"<sup>2</sup>

With reference to Geoffrion's demand that the word "shall" replace the word "may" in its application to the right to use the French language, Mr. Rémillard stated that:

" It is said that in the resolution the guarantees which we seek to have for our language, our laws and our institutions are not clearly enough expressed, and that the Imperial Government might, consequently, confer upon us something other than that for which we ask. But could not the Imperial Government impose Confederation upon us as it did the Union? And as it does not do so, we ought not to believe that it will impose upon us conditions which are opposed to our interests." <sup>3</sup>

Friday, March 10, 1865 was the final day of debate on

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1. Parliamentary Debates on the Subject of the Confederation of the British North American Provinces, 3rd Session, 8th Provincial Parliament of Canada. (Quebec, 1865) p. 786.
  2. id., p. 786.
  3. id., p. 787.



Resolution 46e. The Hon. F. Evanturel (Quebec County) requested the Attorney-General West, Mr. John A. MacDonald to explain the Resolution and specifically whether it was to be interpreted as placing the two languages on an equal footing in the Federal Parliament. Mr. MacDonald replied as follows:

" I may state that the meaning of one of the resolutions adopted by the Conference is this, that the rights of the French-Canadian members as to the status of their language in the Federal Legislature shall be precisely the same as they now are in the present Legislature of Canada in every respect." <sup>1</sup>

However, Mr. Antoine-Aimé Dorion was not satisfied with this explanation and said,

" The Hon. Attorney-General West stated that the intentions of the delegates at the Quebec Conference was to give the same guarantees for the use of the French language in the Federal Legislature, as now existed under the present union. I conceive, sir, that this is no guarantee whatsoever, for in the Union Act it was provided that the English language alone should be used in Parliament, and the French language was entirely prohibited; but the provision was subsequently repealed by the 11th and 12th Victoria, and the matter left to the discretion of the Legislature - so that if, tomoorow, the Legislature chose to vote that no other but the English language should be used in out proceedings, it might do so, and thereby forbid the use of the French language. There is, therefore, no guarantee for the continuance of the use of the language of the majority of the people of Lower Canada, but the will and the

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1. Parliamentary Debates on the Subject of the Confederation of the British North American Provinces , 3rd Session, 8th Provincial Parliament of Canada.(Quebec, 1865) p. 944.

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forebearance of the majority. And as the number of French members in the General Legislature, under the proposed Confederation, will be proportionately much smaller than it is in the present Legislature, this ought to make honourable members consider what little chance there is for the continued use of their language in the Federal Legislature."<sup>1</sup>

MacDonald's rebuttal was highly significant, in that it indicates that the French language guarantee was to be rendered fundamental to Confederation by its incorporation in an Imperial Act:

"I desire to say that I agree with my honourable friend that as it stands just now the majority governs; but in order to cure this, it was agreed at the Conference to embody the provisions in the Imperial Act. This was proposed by the Canadian Government, for fear an accident might arise subsequently, and it was assented to by the deputation from each provision that the use of the French language should form one of the principles upon which the Confederation should be established and that its use, as at present, should be guaranteed by the Imperial Act."<sup>2</sup>

MacDonald's interpretation was seconded by the Hon. Attorney-General East, Mr. G.E.Cartier who stated:

" The members of the Conference were desirous that it should not be in the power of that (French majority in Lower Canada) majority to decree the abolition of the use of the English language in the Local Legislature of Lower Canada , any more than it will be in the power

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1. Parliamentary Debates on the Subject of the Confederation of the British North American Provinces, 3rd Session, 8th Provincial Parliament of Canada. (Quebec , 1865) p.945.
  2. id., p. 945.





of the Federal Legislature to do so with respect to the French language. I will also add that the use of both languages will be secured in the Imperial Act to be based on their resolution."<sup>1</sup>

But Dorion still clung tenaciously to his original position, and replied to Cartier by stating:

" I am very glad to hear this statement; but I fail to see anything in the resolutions themselves which give such an assurance, . . . But it is not simply for the use of the French language in the Legislature that protection is needed - that is not of so great importance as is the publication of the laws and proceedings of Parliament. The speeches delivered in this House are only addressed to a few, but the laws and proceedings of the House are addressed to the whole people, a million or nearly a million of whom speak the French language." <sup>2</sup>

The last member to participate in the debate was the Hon. Charles B. De Niverville, (Three Rivers) whose words in part were as follows:

" As a French-Canadian, it is my business to speak of what concerns us most dearly: our religion, our language, our institutions and our laws. Well then, with respect to our language, I ask whether there is the least danger of our losing it in the Confederation? Far from being in danger, I believe it will be more in vogue under the new régime, as it can be spoken and made use of not only in the Federal Parliament and local legislatures, but also in the supreme courts which will be hereafter instituted in the country. I say that when that time comes -

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1. Parliamentary Debates on the Subject of the Confederation of the British North American Provinces, 3rd Session, 8th Provincial Parliament of Canada. (Quebec, 1865) p. 945.
  2. ibid., Italics ours.

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DEPARTMENT OF CHEMISTRY  
530 CHICAGO  
CHICAGO, ILL. 60637

RECEIVED: 10/10/68  
FROM: J. H. D. J. VAN DER PLOEG  
SUBJECT: [illegible]

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that is to say, unless the Confederation is established, we shall have a fuller use of our language."<sup>1</sup>

1.117      Section 133 of the British North America Act.

Quebec Resolution No. 46 ultimately became section 133 of the British North America Act,<sup>2</sup> but only after being modified in a sense favourable to those French-speaking members of the Provincial Parliament who had expressed their opposition to the original draft. The British North America Bill went through five stages before it finally became law. At the fourth stage of drafting the 46th Resolution became the 127th, and the word "shall" replaced the word "may" in the paragraph relative to the journals of the Federal Parliament and the Quebec Legislature <sup>3</sup>

The final expression of the language guarantees in section 133 of the British North America Act, 1867 was:

" Either the English or the French Language may be used by any Person in the Debates of the House of the Parliament of Canada and of the Houses of the Legislatures of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be

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1.      Parliamentary Debates on the Subject of the Confederation of the British North American Provinces, 3rd Session, 8th Provincial Parliament of Canada. (Quebec, 1865) p. 950.
  2.      1867, 30-31 Vict., c.3.
  3.      cf. Pope, op. cit., pp. 98-131 for versions of all 5 drafts.

# THE HISTORY OF THE CITY OF BOSTON

The history of the city of Boston is a story of growth and change. From its early days as a small fishing village, it has become one of the most important cities in the United States. The city's location on a peninsula, surrounded by water on three sides, made it a natural harbor and a center of trade. The city's early settlers, the Puritans, were looking for a place where they could practice their religion freely. They found it in Boston, and the city grew rapidly. By the 18th century, Boston was one of the largest and most important cities in the colonies. It was the center of the American Revolution, and the city played a key role in the fight for independence. The city's history is a story of resilience and determination, and it is a testament to the power of the human spirit.

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used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those Languages."

Thus French received definitive recognition in the fundamental law of Canada as an official language. Prior to that its status had rested only on usage, or at best on the rules of the Lower Canadian House, and subsequently of the United Parliament after 1848. The latter rules, of course, failed to provide an inflexible guarantee, for they were always subject to change according to the whim of the majority. As Sir Thomas Chapais pointed out,

" Depuis la conquête, c'est la première fois que notre langue reçoit une telle sanction constitutionnelle. En 1763, le traité de Versailles reste muet sur ce point, pourtant si grave. En 1774, l'acte de Québec le laisse également dans l'ombre. En 1791, la constitution dont William Pitt est le promoteur ne contient rien au sujet de la langue. Et si un modus vivendi plutôt satisfaisant s'établit à la suite du grand débat de 1793, ce n'est pas là une reconnaissance des droits légaux du françois. En 1840, sombre année, notre idiome est formellement proscrit par la constitution qu'on nous impose. Sans doute en 1848, cet article odieux est révoqué par le parlement britannique et notre législature recouvre sur ce point sa liberté d'action. Mais ce n'est pas encore la promulgation d'un droit constitutionnel. Tandis qu'en 1864 et en 1867 la langue française est proclamée langue

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officielle, et obligatoire pour la publication des procès-verbaux, des journaux parlementaires, des documents et des actes législatifs. C'était, sans contredit, une grande victoire nationale." 1

1.118 Effect of section 133 of the B.N.A. Act.-

The effect of section 133 of the British North America Act was to make the French language official throughout the Dominion. This section, in fact, gave a protection, albeit restricted, to two linguistic minorities - the French in Canada, and the English in Quebec. The French language was guaranteed in the Federal Parliament and Courts, while the language of the English minority was protected in the courts and Legislature of Quebec. All laws of the Parliament of Canada and of the Quebec Legislature are passed in English and French. This, of course, renders either text official and of equal value. Moreover, both the Dominion and Quebec statutes are printed in both languages. The Province of Quebec even prints both texts in the same volume on opposite sides of the page. This, of course, allows for a first hand comparison of both texts, something not at present possible in the case of the federal statutes. In both Quebec and Federal courts testimony was offered and judgments rendered in either language. But, as will be shown<sup>2</sup>, the real scope of s. 133 is very limited

1. Chapais, op.cit., vol. 8, p. 161.  
2. in 2.02

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and does not guarantee the full equality of French and English.

1.119      Entrenchment of language rights.-

No amending provision had been included in the British North America Act, 1867. Until 1949, the Constitution of Canada could be amended only by an Act of the Parliament of the United Kingdom. Section 2 of the 1931 Statute of Westminster<sup>1</sup> had provided for the repeal of the Colonial Laws Validity Act<sup>2</sup>, thereby allowing the Parliament of Canada to enact legislation repugnant to the provisions of any existing or future Act of Parliament of the United Kingdom. However, by the terms of s. 7(1), the repeal of the Statute of Westminster, amendment or alteration of the B.N.A. Acts, 1867 to 1930, was excepted from the expanded legislative power conferred on the Dominion. On December 16, 1949, upon a joint address by the Senate and House of Commons of Canada, the United Kingdom Parliament enacted the British North America (No. 2) Act<sup>3</sup> giving the Parliament of Canada the power to amend the Constitution of Canada, including the British North America Acts. However, certain matters were regarded as too fundamental to be left open to unilateral amendment by the Parliament of Canada. Among them was the use of the English or the French language, and obviously s.133.

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1. 22 Geo. V, c.4

2. 1865, 28-29 Vict., c.63.

3. 1949, 13 Geo. VI, c.81.



Thus existing language rights were protected from future abrogation by the Parliament of Canada. But the terms of the Act also prevent Parliament from extending language rights. Only the United Kingdom Parliament can do so . There can be no doubt then that French and English language rights are protected from amendment by the Federal Parliament. But is s. 133 safe from amendment by the Quebec Legislature? This interesting question will be considered in the next chapter.<sup>1</sup>

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1. Particularly in 2.06.





DIVISION III

THE WEST AND THE NORTHWEST TERRITORIES



## A - THE WEST BEFORE CONFEDERATION

### 1.120 Summary of the constitutional history of the West.-

There were four stages in the constitutional development of the Prairie Provinces. What is now Western Canada was brought under British rule by the Royal Charter of 1670 which incorporated the Hudson's Bay Company. The Hudson's Bay Charter is not only the first but also the most important official document relating to Western Canada. In 1868 and 1870 two Imperial Acts transferred the North Western Territory and Rupert's Land to the Dominion of Canada. The first of these statutes was An Act for enabling Her Majesty to accept Surrender upon Terms of the Lands, Privileges, and Rights of "The Governor and Company of Adventurers of England trading in to Hudson's Bay" and for admitting the same into the Dominion of Canada, dated July 31, 1868.<sup>1</sup> The second was an Imperial Order-in-Council dated June 23, 1870, which effected the transfer of the forementioned Territory. On June 22, 1869, the new Canadian Parliament passed the first of a series of Dominion Acts relating to the Government of the West.<sup>2</sup> This statute was entitled An Act for the temporary government of Rupert's Land and the North Western Territory when united with Canada.<sup>3</sup> The last legislative enactments of fundamental significance to the Canadian West were the Alberta and Saskatchewan Acts of 1905 which created these Provinces and provided them with their constitutions.

1. 31-32 Vict., c. 104.

2. These Acts were: 32-33 Vict., c. 3; 33 Vict., c. 3; 34 Vict., c. 16; 36 Vict., c. 5.

3. 32-33 Vict., c. 3.

## THEORY OF THE EARTH

### CHAPTER I. OF THE ORIGIN OF THE EARTH.

THE first question which presents itself to the mind, when we consider the vastness of the universe, and the immensity of the space which it fills, is, how could so much matter have been collected together, and so long retained in so compact a form? The answer to this question is, that the matter of the universe was originally in a state of extreme rarity, and that it was gradually condensed into the form of stars and planets, by the action of gravitation. The process of condensation was continued until the matter had acquired a sufficient degree of compactness, to enable it to resist the disruptive force of its own expansion, and thus to form a stable system. The process of condensation was continued until the matter had acquired a sufficient degree of compactness, to enable it to resist the disruptive force of its own expansion, and thus to form a stable system. The process of condensation was continued until the matter had acquired a sufficient degree of compactness, to enable it to resist the disruptive force of its own expansion, and thus to form a stable system.



E. H. Oliver has said of the four stages of legislative development of the Canadian West,

" ... the first handed the country over to a fur company and saved North Western America to the British Crown; the second transferred these Territories to Canada and rendered possible the transcontinental confederation of the provinces; the third defined for this section of the Dominion the conditions under which its social and economic development was fostered and its political consciousness begotten; the fourth marked the culmination of a remarkable constitutional evolution and the commencement, in provincial affairs at least, of complete self rule." 1

1.121     Government of the Canadian West under the Hudson's Bay Charter.-

The Hudson's Bay Company's Charter, bearing the date of May 2nd, 1670, conferred on the 18 grantees, the sole right of trade and commerce on all the seas, straits, bays, rivers, lakes, creeks and sounds within Hudson's Straits. As a result of the charter the aforementioned territory became one of His Majesty's Plantations or Colonies in America and received the name Rupert's Land. The Company was given the right to appoint governors and other officers, to try civil and criminal cases and to employ an armed force for the protection of its trade and territory. The Charter stipulated that justice was to be administered according to the laws of England:

" ... the Governor and his Council of the several and respective places where the said Company shall have plantations, forts, factories, colonies or places of trade within any the countries, lands or territories hereby granted, may have power

1. in The Canadian Northwest, Its Early Development and Legislative Records, Ottawa, 1914, Vol. I, p. 21.





to judge all persons belongint to the said Governor and Company, or that shall live under them, in all causes, whether civil or criminal, according to the laws of this kingdom, and to execute justice accordingly; ..."<sup>1</sup>

1.122      English the official language of Hudson's Bay Company Territory.-

By the words "according to the laws of this kingdom," English would have been the official language in all territories under Hudson's Bay Company control. The Imperial Act of 1731,<sup>2</sup> had provided that English should be the sole language of proceedings before all courts in England. However, even before 1731, a statute passed during the reign of King Edward III in 1362 had provided that English should be the language of pleading in the Courts and Latin, the language of record.<sup>3</sup>

1.123      The administration of justice under Hudson's Bay Company rule.-

Under the Hudson's Bay Charter all factors served as magistrates. Cases of outrage were usually tried at Red River or Norway House. Murderers were sent to Canada for trial, in accordance with an 1803 Act<sup>4</sup>. Hence those who were brought to Lower Canada for trial could benefit from the statutory provisions therein which

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1. quoted in Oliver, op. cit., Vol. I, p. 150.

2. 4 Geo. II, c. 26.

3. cf. Taylor, G.E., The Official Language of the Courts of Saskatchewan, 1931, 4 Can. Bar Rev., at p. 278.

4. The statute of 43 Geo. III, c. 138 entitled An Act for extending the jurisdiction of the courts and justice in the Provinces of Lower and Upper Canada to the trial and punishment of persons guilty of crimes and offences within certain parts of North America, adjoining to the said Provinces.

# THE HISTORY OF THE CITY OF BOSTON

FROM THE FIRST SETTLEMENT TO THE PRESENT TIME

BY NATHANIEL PHIPPS

IN TWO VOLUMES.

LONDON: PRINTED BY J. JOHNSON, ST. PAULS CHURCH-YARD, 1796.

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allowed for mixed juries and pleadings in either the English or French language. Thus it might be said that the administration of justice in the Hudson's Bay Company was at least indirectly bilingual. The Act merits quotation:

"Whereas crimes and offences have been committed in the Indian Territories and other parts of America not within the limits of the Provinces of Upper or Lower Canada, or either of them, or of the jurisdiction of any of the Courts established in those provinces or within the limits of any civil government of the United States of America, and are therefore not cognizable by any jurisdiction whatever, and by reason thereof great crimes and offences have gone, and may hereafter go unpunished, and greatly increase - for remedy whereof, May it please your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty by and with the consent and advice of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, THAT, from and after the passing of this Act, all offences committed within any of the Indian territories or parts of America, not within the limits of either of the said Provinces of Upper or Lower Canada, or of any civil government of the United States of America, shall be, and be deemed to be, offences of the same nature and shall be tried in the same manner and subject to the same punishment as if the same had been committed within the Province of Lower or Upper Canada.

2. And be it further Enacted, that it shall be lawful for the Governor or Lieutenant Governor, or person administering the Government for the time being of the Province of Lower Canada by Commission under his hand and seal, to authorize and empower any person or persons whomsoever resident or being at the time, to act as Civil Magistrates and Justices of the Peace for any of the Indian Territories or parts of America not within the limits of either of the said provinces or of any civil government of the United States of America, as well as within the limits of either of the said Provinces, either upon informations taken or given within the said Provinces of Lower or Upper Canada, or out of the

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said Provinces in any part of the Indian Territories or parts of America aforesaid, for the purpose only of hearing crimes and offences and committing any person or persons guilty of any crime or offence to safe custody in order to his or their being conveyed to the said Province of Lower Canada to be dealt with according to law, and it shall be lawful for any person or persons whatsoever to apprehend and take before any person so commissioned as aforesaid, or to apprehend and convey or cause to be safely conveyed with all convenient speed to the Province of Lower Canada any person or persons guilty of any crime or offence there to be delivered into safe custody for the purpose of being dealt with according to law.

3rd. And be it further Enacted, that every such offender may and shall be prosecuted and tried in the Courts of the Province of Lower Canada (or if the Governor, or Lieutenant Governor, or persons administering the government for the time being, shall from any of the circumstances of the crime or offence, or the local situation of any of the witnesses for the prosecution or defence think justice may be more conveniently administered in relation to such crime or offence in the Province of Upper Canada and shall by any instrument under the great seal of the Province of Lower Canada, declare the same, then that every such offender may and shall be prosecuted and tried in the Court of the Province of Upper Canada) in which crimes or offences of the like nature are usually tried, and where the same would have been tried, if such crime or offence had been committed within the limits of the Province where the same shall be tried under this Act; and every offender tried and convicted under this Act shall be liable and subject to such punishment as may by any law in force in the Province where he or she shall be tried be inflicted for such crime or offence, may and shall be laid and charged to have been committed within the jurisdiction of such Court, and such Court may and shall proceed therein to trial, judgment and execution or other punishment for such crime or offence in the same manner and in every respect as if such crime or offence had really been committed within the jurisdiction of such Court, and shall also be lawful for the Judges and other officers the said Courts to issue subpoenas and other processes for enforcing the attendance of witnesses on any such trial, and such subpoenas and other processes shall be as valid and effectual and be in full force, and put in execution in any parts of the Indian Territories or other parts of America out of and not within the limits of the civil government of the United States of America as well as within



the limits of either of the said Provinces of Upper or Lower Canada in relation to the trial of any crimes or offences by this Act made cognizable in such Court, or to the more speedy and effectually bringing any offender or offenders to justice under this Act as fully and amply as any subpoenas or other processes are within the limits of the jurisdiction of this Court, from which any such subpoenas or processes shall have issued as aforesaid; any Act or Acts, law or laws, custom, usage, matter or thing to the contrary notwithstanding.

4th. Provided always, and be it further enacted, that if any crime or offence charged and prosecuted under this act shall be proved to have been committed by any person or persons not being a subject or subjects of His Majesty and also within the limits of any Colony, Settlement or Territory, belonging to any European States, the Court before which such prosecution shall be had, shall forthwith acquit such person or persons, not being such subject or subjects as aforesaid, of such charge.

5th. Provided nevertheless, that it shall and may be lawful for such Court to proceed in the trial of any other person being a subject or subjects of His Majesty, who shall be charged with the same or any other offence, notwithstanding such offence shall appear to have been committed within the limits of any Colony, Settlement or Territory, belonging to any European State as aforesaid."<sup>1</sup>

In 1821, another statute was passed which empowered the Crown to appoint justices of the peace to preside at courts of record for the trial of criminal offences and misdemeanours.<sup>2</sup> However, the Act enjoined these magistrates "not to try any offender upon any charge or indictment for any felony made the subject of capital punishment, or for any offence or passing sentence

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1. Found in Oliver, E.H., op. cit., Vol. 2, pp. 1282-1284 inclusive. Italics ours.
  2. 1 and 2 Geo. IV, c. 66, entitled: An Act regulating the Fur Trade and establishing a Commercial and Civil Jurisdiction within certain parts of North America.





affecting the life of any offender, or adjudge or cause any offender to suffer capital punishment or transportation."<sup>1</sup>

Regarding such capital offences, the Act provided that

"in every case of any offence subjecting the person committing the same to capital punishment or transportation, the Court or any judge of any such Court, or any justice or justices of the peace before whom any such offender shall be brought, shall commit such offender to safe custody, and cause such offender to be sent in such custody to trial in the Court of the Province of Upper Canada."

Thus, inasmuch as the 1821 Act placed jurisdiction in capital cases exclusively in the courts of Upper Canada, the trial of such cases must have been in the English language only.

1.124      Publication of Company Ordinances and Notices in English only.-

The ordinances and notices of the Governors of the Hudson's Bay Company were published in English only. A case in point is the Hudson's Bay Company's Code of Penal Laws, published at Moose Factory, on September 17th, 1815. The accompanying Public Notice provided as follows:

" And as there are of necessity foreigners and other persons unacquainted with the Laws of England in the service of the said Honble. Company, who may be ignorant of the consequences attendant upon a breach of the Laws, the Governor of those Territories by and with the advice of his Council, have deemed it prudent to state the leading offences at the foot hereof, and opposite to them the probably punishment which will attach

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1. "Criminal Jurisdiction in the Northwest Territory", an unsigned editorial comment in (1885) 21 Canada Law Journal at p. 246.





to each, and The Governor and Council, recommend them to the serious consideration not only of the foreigners of whatever nation but also to the entire of the Servants, whether English, Irish, Scotch or Orkneyemen."<sup>1</sup>

1.125 Beginning of the Selkirk Colony.-

On June 12, 1811 the Hudson's Bay Company granted to the Earl of Selkirk a large tract of land along the Red and Assiniboia River. Under Selkirk's influence a small colony was established. It received the name of the Red River Settlement, and the name of the district in which it was situated was Assiniboia. The district of the Assiniboia was the forerunner of the present Province of Manitoba. After the fixing of the Canada-U.S. boundary, the name District of Assiniboia was applied only to the portion of the original grant that was within British territory. The supreme legislative and judicial functions within the new community were vested in a Governor and a Council with commissions duly empowered by the Hudson's Bay Company. The Governor and Council of Assiniboia laid the foundations of Prairie legislation. They were the first to frame general measures for the public welfare of what is now the Canadian West.

1.126 The Councils of Assiniboia: some use of French.-

The Councils of Assiniboia were of two types -- those of the Selkirk period, and those of the Company period. The Selkirk period lasted from the time of the original grant to the Earl of Selkirk in 1811 until the transfer of the District

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1. Oliver, op. cit., Vol. 2, p. 1285.



of Assiniboia back from the Selkirk Estate to the Hudson's Bay Company, around 1835. By February 12, 1835, a re-organized Council was in existence. The records of the Council during the Selkirk regime are scant. But, it is evident that the members of the Council of Assiniboia during this time were all English-speaking, and that the resolutions and proceedings of the Council were all in English. However, there is evidence that a small measure of respect was given to the French language from the very beginning of the Colony. Miles MacDonnell, the first Governor of Assiniboia, made the following notation in his Journal on September 4, 1812:

"Friday, September 4, at 12 o'clock today fired our signal gun and hoisted our colours, being the signal agreed on with the N.W.Co., gent'n, that we were ready to begin. They accordingly came across. When the conveyance was read both in English and French in presence of all our people and several Canadians and Indians (Mr. Heney having prepared a translation) my Commission was likewise read, at the conclusion of which 7 swivels were discharged and 3 cheers given."<sup>1</sup>

1.127     Early administration of justice in the District of Assiniboia.-

The need for a system of judicature was felt on the arrival of the first band of colonists. MacDonnell indicated this need to Selkirk in a letter dated May 31, 1812. In his reply, dated June 13, 1813, Selkirk stated that the jurisdiction of the courts of Canada did not extend to his territories:

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1. Oliver, op. cit., Vol. I, p. 184. Italics ours.





"The leading and essential point on which the best opinions seem to be united, is that the grant of Jurisdiction contained in the Charter is valid with only a few points of exception, and that is not affected by the Act 43, Geo. III, called the Canada Act. The Jurisdiction conveyed by that Act on the Courts of Canada is considered as applicable only to Indian Territories:- and that the Territories of the Hudson's Bay Company being a British Colony, do not come under that description. It follows that if any of our settlers or servants of the Co. should be arrested as Mowat was, and brought for trial to Montreal, he is entitled to challenge the competency of the Judicature and could not then be legally condemned."<sup>1</sup>

He also indicated to MacDonnell that the latter would have to appoint a Council in order to be able to administer justice properly under the Hudson's Bay Charter:

"By the Charter, the Governor of any of the Co.' establishments with his Council may try all causes, civil or criminal, and punish offences according to the law of England. You have, therefore, authority to act as a Judge; but to do this correctly, it is necessary that you have a council to sit as your assessors, and also that you try by Jury all cases which in England would be tried before a Jury."<sup>2</sup>

A council was subsequently appointed, and in his Instructions relative to Judicial Proceedings issued to Miles MacDonnell the Council in 1814, Selkirk provided as follows:

"Though you cannot pretend to be master of legal forms every trial should be conducted with proper solemnity. Upon any case of importance the charge is to be put in writing and given to the prisoner some time before, and due notice of the time of trial. The prisoner is to be brought to the Bar in open court, confronted with his accusers. The charge is then to be read,

1. Oliver, op. cit., p. 179.

2. Ibid..

The first part of the report deals with the general situation of the country and the progress of the work during the year. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and a list of the names of the persons who have taken part in it.

The second part of the report deals with the financial situation of the country and the progress of the work during the year. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and a list of the names of the persons who have taken part in it.

The third part of the report deals with the financial situation of the country and the progress of the work during the year. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and a list of the names of the persons who have taken part in it.

and the prosecutor is to call his witnesses, to prove the facts alleged. Each witness is to be put solemnly on oath to speak the truth without reserve. The witness is first to be questioned by the prosecutor and when his examination is finished, the prisoner may cross-question the witness and the members of the court may also put such questions as they think necessary. After all the evidence is heard the Court is to deliberate, either in public, or private as they see fit, and give their determination."<sup>1</sup>

There is no indication of any intention to protect the language rights of the Canadians in the courts. No formal provision for such protection is evident until the so-called Company Period of the Council of Assiniboia.

1.128     The Council of Assiniboia during the Company Period.-

The Company Period began with the transfer of the District of Assiniboia from the Selkirk Estate to the Hudson's Bay Company. The exact date of the transfer is a complicated and purely academic question. However, by February 12, 1835, the re-organized Council of Assiniboia was in existence.<sup>2</sup> The exact dates of the meetings, complete minutes and the constituent membership of the Councils during the Company Period survived. A perusal of these records evidences an evolving bilingualism, due to the exigencies of communicating with the sizeable French half-breed population. This bilingualism was later incorporated into the constitution of the new Province of Manitoba.

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1. Oliver, op. cit., p. 186.

2. Id., p. 33.





1.129 Bilingual Publication of Council Resolutions.-

Formal provision for the publication of the resolutions of the Council of Assiniboia was first made at a meeting of the latter on Thursday, June 19, 1845. From the beginning, the promulgation of the laws of the District was in both languages and never became a source of irritation to the Métis population. Resolutions 33 of the meeting referred to provided:

"That one placarded copy be suspended in the Court-house, and another in the office of Upper Fort Garry, that folded copies be deposited, not as private property, but as a public trust, with the Governor, the recorder, the magistrates, the officers of police, and the clerk of the Court, and also be respectfully presented, under the same restriction, to the clergy, of both denominations; and, lastly, that copies, in both languages, be read aloud and explained at the meetings of the General Court in November and February of each year, and at such other meetings of the same as the Governor may select for that purpose; the constables being always, specially bound to attend, and receiving a day's pay on each occasion."<sup>1</sup>

Evidence of the application of the foregoing resolutions may be found in a report delivered by Adam Thom, Chairman of the Printing Press Committee, at a Council meeting of November 27, 1851. Thom read a letter he had sent on November 25, 1850 to W. G. Smith, Assistant-Secretary of the Hudson's Bay Company.

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1. Oliver, op. cit., p. 326. Italics ours.

The first part of the paper discusses the importance of the study and the objectives of the research. It also outlines the methodology used in the study and the results obtained. The second part of the paper discusses the implications of the study and the conclusions drawn from the research. The third part of the paper discusses the limitations of the study and the areas for future research.



The results of the study show that the proposed method is effective in achieving the desired objectives. The study also found that the proposed method is more efficient than the existing methods. The study also found that the proposed method is more reliable than the existing methods. The study also found that the proposed method is more cost-effective than the existing methods. The study also found that the proposed method is more user-friendly than the existing methods.

The following excerpts are of interest:

"6. As everything must be printed in French as well as English, we require a supply of accents and cedillas, whether separate or appended to the proper types, we do not know.

7. With reference to the use of two languages, we need as many capitals of the size, aforesaid, of "Amazon" over and above those required in my fourth entry, as may express "Rivière Rouge" and "District d'Assiniboie".<sup>1</sup>

This request was deferred until the next season because the Governor and Committee of the Company had declined to afford freight for the press without an official application from the Governor and Council of Assiniboia. (Smith to Thom, March 29, 1851)<sup>2</sup>.

1.130 Bilingual consolidations of the Laws of Assiniboia.

Two consolidations of the General Enactments of the Governor and Council of Assiniboia were made. The first was enacted on the 13th of July, 1852, and the second on April 13, 1862. These consolidations were published in both languages. The Consolidation of 1852 contained the following preface:

" N.B.-The staple of the following pages is the revised code of July 1852, which supercedes all local laws down to 30th April, 1851. For subsequent enactments of a general character, a space has been left at the foot of each page. In this way may be provided from time to time, a complete view, in both languages, of all permanent regulations, without any mixture of extraneous or temporary matter."<sup>3</sup>

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1. Oliver, op. cit., pp. 367-368. Italics ours.

<sup>2</sup>id., p. 368.

<sup>3</sup>id., Vol. II, p. 1317, italics ours.

THE UNIVERSITY OF CHICAGO

# PHYSICS 341

LECTURE 1: INTRODUCTION TO QUANTUM MECHANICS

The first lecture of the course introduces the fundamental principles of quantum mechanics. It begins with a review of classical mechanics and the limitations of Newtonian physics in describing atomic-scale phenomena. The lecture then presents the wave-particle duality of light and matter, leading to the development of the Schrödinger equation. Key concepts discussed include wave functions, probability density, and the uncertainty principle. The lecture concludes with an overview of the course structure and the importance of quantum mechanics in modern physics.

Quantum mechanics is a fundamental theory in physics that describes the physical properties of nature at the scale of atoms and subatomic particles. It is a branch of physics that deals with the behavior of matter and energy at the atomic and subatomic level. The theory is based on the principle of wave-particle duality, which states that particles can exhibit both wave-like and particle-like behavior. The Schrödinger equation is a central equation in quantum mechanics, which describes the time evolution of a quantum system. The uncertainty principle is another key concept in quantum mechanics, which states that certain pairs of physical properties, such as position and momentum, cannot both be known to arbitrary precision.

The course will cover the following topics: 1. Introduction to quantum mechanics, 2. The wave function and the Schrödinger equation, 3. The uncertainty principle, 4. Angular momentum and spin, 5. The hydrogen atom, 6. Many-body systems, 7. Quantum entanglement and non-locality, 8. Quantum field theory and the Standard Model, 9. Quantum computing and quantum information theory, 10. Quantum gravity and the search for a unified theory.



1.131 Bilingualism in the Administration of Justice in Assinibcica.

The path to bilingualism in the administration of justice in Assiniboia was apparently not as smooth. In 1848, the Canadian and half-breed population held meetings to demand free trade in furs, the abolition of existing laws respecting imports from the United States, and the granting to Canadians and half-breeds of some measure of representation in the Council. The latter was a reasonable request, considering the fact that the French-speaking half-breeds far outnumbered the English-speaking white population at that time. Some Métis were also unhappy about the administration of justice in the settlement. Their discontent was brought to a head by the conduct of Recorder Adam Thom, who refused to address the Court in French in the case instituted by The Hudson's Bay Company against William Sayer. Sayer, one McGillis, and Laronde and Goullé, two French half-breeds had been accused of illegal trafficking in furs with the Indians. The trial occurred on May 17, 1849. The Métis voiced their dissatisfaction at the handling of this case in a turbulent meeting. This prompted Major Caldwell, the Governor of Assiniboia, to summon a session of the Council in order to restore tranquillity. The meeting, held on May 31, 1849, marked the beginning of bilingualism in the Courts of Assiniboia. Following are excerpts from the minutes of the meeting:



"The President having stated that he had called a council for the purpose of considering what measures ought to be devised for the prevention of such unlawful assemblages of the people as occurred on Thursday week,<sup>1</sup> and for the restoration of the tranquillity of the Settlement, The Council concurred in the opinion that the excitement in question had arisen, in a great measure, from a desire on the part of the Canadian and half-breed population to obtain the following objects, vide:

1st. The immediate removal of Mr. Recorder Thom from the Settlement.

2nd. The conducting of all judicial business through the medium of a judge who would address the Court in the French as well as in the English language.

... 4th. The infusion into the Council of Assiniboia of a certain proportion of Canadian and half-breed members.

... With reference to these objects the Council unanimously concurred in opinion, as regarded the first, that the personal liberty of Mr. Thom must be held equally inviolable with that of every other citizen, and that those attempting any infringement on the same must bear the consequences; with respect to the second, that Mr. Thom having, at the commencement of the proceedings, expressed his willingness, in future, to address the Court in both languages, in all cases involving either Canadian or Half-breed interests, such a line of procedure should be hereafter adopted; ... that, with respect to the infusion of Canadians and Half-breed members into the Council, the Council has no direct power in the matter, but will gladly make a recommendation to the Committee of the Honble. Hudson's Bay Company on the subject.<sup>2</sup>

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1. Oliver, op. cit., text of footnote on p. 352: "This refers to disturbances in connection with the celebrated case, Hudson's Bay Company versus Sayer. William Sayer, McGillis, Laronde and Goullé, French half-breeds were accused of illegal trafficking in furs with the natives. Sayer's trial took place on May 17."

2. Vol. I, p. 352. Italics ours.





1.132 French-speaking legislative and judicial personnel.-

After the meeting of May 31, 1849 there was an increase in French-speaking personnel in the judiciary and on the Council of Assiniboia. Rev. Louis Laflèche was sworn in on Thursday, September 5, 1850 as the first French-speaking Councillor of Assiniboia. While the French-speaking membership of the Council never equalled the English, the Company, from Laflèche's appointment on, insured that the Canadians and Métis enjoyed substantial representation. Out of 15 petty judges named at the Council meeting of May 1, 1851, five bore French names, (Pascal Berland, Urbain Delorme, Joseph Guilbeau, François Bruneau and Maximilien Genton).<sup>1</sup>

1.133 Conclusions as to the state of bilingualism in the District of Assiniboia.-

From the foregoing it is evident that the French language enjoyed considerable respect in the District of Assiniboia. Whether or not its status was that of an official language seems never to have occupied the minds of the Company-controlled Council. Rather, provision was made for its use where circumstances it so demanded. This policy was never disapproved by the Hudson's Bay authorities in London. The latter even promoted bilingualism by naming French-speaking Councillors. A highly legalistic argument may be advanced to the effect that the provisions for the use of French in the General Court of Assiniboia departed from the terms of the Charter

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1. Oliver, op. cit., Vol. I, p. 378.



of the Hudson's Bay Company, which provided that the laws of England should apply in Hudson's Bay Company territory. However, resolution 34 on the administration of justice passed at a meeting of the Council of Assiniboia on Thursday, May 1st, 1851 had provided that the laws of England should regulate the proceedings of the General Court "so far as they may be applicable<sup>1</sup>  
to the condition of this Colony".

1.134     The end of Company Rule and the annexation of Rupert's Land by Canada.-

After 1850, civil rule by the Hudson's Bay Company had become an anachronism. The Council of Assiniboia was ineffectual against the marauding Sioux. A Canada Party was formed in the Red River Settlement. Canadian agitation for incorporation of Hudson's Bay Company Territory prompted the Imperial Parliament to reduce the Company to the rank of a commercial corporation, and to transfer the Territories to the new Dominion. Section 46 of the B.N.A. Act provided that it should be lawful for Her Majesty on address from the Houses of Parliament of Canada to admit Rupert's Land and the North Western Territory or either of them into the Union. In pursuance of this Act the British Parliament passed on July 31, 1868, a statute for the admission of Rupert's Land and the Territory into Canada.<sup>2</sup> Section 5 of this Act authorized the Parliament of Canada "to make,

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1. Oliver, op. cit., Vol. I, p. 378.

2. 31-32 Vict., c. 105: An Act for enabling Her Majesty to accept the Surrender upon Terms of the Lands, Privileges and Rights of "The Governor and Company of Adventurers of England trading in to Hudson's Bay" and for admitting the same into the Dominion of Canada.





ordain and establish within the Land and Territory so admitted, all such Laws, institutions, and ordinances, and to constitute such courts and officers as might be necessary for the peace, order and good Government of Her Majesty's Subjects and others therein." An Imperial Order-in-Council of June 23, 1870 effected the transfer. On June 22, 1869, the Canadian Parliament passed an Act for the Temporary Government of Rupert's Land and the Northwest Territory when united with Canada.<sup>1</sup> This Act sought to prepare for the transfer of the Territories from the local authorities to the Government of Canada.

1.135      Reactions of the French-speaking population of Assiniboia to the intended regime.-

The impending changes met with small favour among the French-speaking Métis population of the Red River Settlement. Hunters for the most part, they feared the advance of an English, protestant, agricultural frontier, which presented a threat to their language and way of life. The Métis were also angered by the fact that they had been unrepresented in the negotiations by which the Hudson's Bay Company territories were transferred to Canada. Nor had they been consulted as to the form of Government which was to replace that of the Company.

1.136      Formation of the Joint Council of Assiniboia.-

At the instigation of the Métis leaders, a Joint Council consisting of 12 English-speaking and 12 French-speaking representatives

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1. 32-33. Vict., c. 3.

The first part of the paper discusses the importance of maintaining accurate records of all transactions. It is essential for the business to have a clear and concise record of all income and expenses. This will allow the business to track its financial performance over time and identify areas for improvement. The second part of the paper discusses the importance of maintaining accurate records of all assets and liabilities. This will allow the business to track its net worth over time and identify areas for improvement. The third part of the paper discusses the importance of maintaining accurate records of all taxes paid. This will allow the business to track its tax liability over time and identify areas for improvement. The fourth part of the paper discusses the importance of maintaining accurate records of all debts. This will allow the business to track its debt liability over time and identify areas for improvement. The fifth part of the paper discusses the importance of maintaining accurate records of all equity. This will allow the business to track its equity over time and identify areas for improvement. The sixth part of the paper discusses the importance of maintaining accurate records of all other financial information. This will allow the business to track its overall financial performance over time and identify areas for improvement.

from the several parishes was organized. John Bruce became the president of this Council, and Louis Riel, the secretary. The Council met intermittently from November 16 to December 1, 1869. On November 24, 1869, the Council stated that it refused to recognize the authority of Canada and declared itself to be "the only and lawful Authority now in existence in Rupert's Land and the Northwest, which claims the obedience and respect of the people ..."<sup>1</sup> On December 1, 1869, at its last meeting the Council adopted a list of fourteen specific rights which it considered indispensable to a satisfactory government of the Northwest. The 10th, 11th and 14th items sought to protect French minority rights.

"10. That the English and French languages be common in the Legislature and Courts, and that all public documents and Acts of the Legislature be published in both languages.

11. That the Judge of the Supreme Court speak the English and French languages.

14. That all privileges, customs, and usages existing at the time of the transfer, be respected."<sup>2</sup>

The Métis attempt at self-government was abortive, but the advocacy of their leaders for the protection of minority rights was not in vain. When the Province of Manitoba was carved out of the Northwest Territories in anticipation of the Order-in-Council transferring the latter to Canada,

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1. Oliver, op. cit., Vol. II, pp. 904-6.

2. Quoted by Thomas, L.H., in The Struggle for Responsible Government in the Northwest Territories, 1870-97; Toronto, 1956, p. 36.

The first part of the report deals with the general situation of the country. It is a very interesting and informative study of the country's development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's development. It is a must-read for anyone interested in the country's future.

The second part of the report deals with the country's economic situation. It is a very detailed and thorough study of the country's economy. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's economy. It is a must-read for anyone interested in the country's economic future.

The third part of the report deals with the country's social situation. It is a very detailed and thorough study of the country's social structure. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's social development. It is a must-read for anyone interested in the country's social future.



official bilingualism was made an integral part of the constitution of the new province.



B - THE LEGAL HISTORY OF BILINGUALISM IN MANITOBA

1.137 The demand for official bilingualism.

Article 10 of the List of Rights prepared by Riel's Joint Council on December 1, 1869 had demanded "that the French and English languages be common in the legislature and courts, and that all public documents and acts of the legislature be published in both languages".

1.138 Official bilingualism provided for in Manitoba Act.

This duality of language was provided for in section 23 of the Manitoba Act<sup>1</sup>, by which the Constitution of that Province was established. Section 23 provided:

" Either the English or the French language may be used by any person in the debates of the Houses of the Legislature, and both these languages shall be used in the respective Records and Journals of these Houses; and either of these languages may be used by any person, or in any Pleading or Process, in or issuing from any Court of Canada established under the BNA Act 1867, or in or from all or any of the Courts of the Province. The Acts of the Legislature shall be printed and published in both those languages."

Doubts as to the power of the Dominion Government to establish provinces in the Territories admitted to the Dominion were removed by the Imperial Parliament in the B.N.A. Act

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<sup>1</sup>1870, S.C., 33 Vict., c. 3.

The first part of the paper discusses the importance of the study. It highlights the need for a comprehensive understanding of the subject matter. The second part of the paper presents the methodology used in the study. It describes the data collection process and the statistical analysis performed. The third part of the paper discusses the results of the study. It presents the findings of the research and compares them with previous studies. The fourth part of the paper discusses the conclusions of the study. It summarizes the main findings and provides recommendations for future research.

The results of the study show that there is a significant positive correlation between the variables. This finding is consistent with previous research. The study also found that the variables have a significant impact on the outcome. This finding is also consistent with previous research. The study concludes that the variables are important factors in the outcome. This finding is also consistent with previous research.

The study has several limitations. First, the sample size was relatively small. Second, the study was conducted in a specific context. Third, the study did not control for all possible confounding factors. Despite these limitations, the study provides valuable insights into the relationship between the variables.



of 1871<sup>1</sup>, section 5 of which confirmed retroactively the Manitoba Act. As we will see in the next chapter<sup>2</sup>, the combined operation of the Manitoba Act and the 1871 B.N.A. Act can be argued to have made section 23 of the Manitoba Act as fundamental as section 133 of the B.N.A. Act, 1868: which only the Parliament of the United Kingdom could amend. Be that as it may, from 1871 to 1890, when section 23 of the Manitoba Act was repealed, all statutes in Manitoba were published in separate English and French versions and both languages were permitted in the courts.

1.139      Legal aspects of bilingualism from 1870 to 1890.

During this period Manitoba legislation embodied a considerable number of provisions giving effect to official bilingualism to an extent exceeding considerably the scope of section 23 of the Manitoba Act.

a) Municipal notices. For instance, section II of An Act concerning Municipalities<sup>3</sup> provided that a petition for the incorporation of a municipality should be published in both French and English in the Official Gazette. In An Act respecting

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<sup>1</sup>1871, 34-35 Vict., c. 28 called An Act respecting the establishment of Provinces in the Dominion of Canada.

<sup>2</sup>cf.

<sup>3</sup>1873, S.M., 36 Vict., c. XXIV repeated in 1875, S.M., 38 Vict., c. 31, s. II.



County Municipalities<sup>1</sup>, section LXXIIa stipulated that whenever a by-law required the assent of the electors of a municipality, the municipal council, in the county municipalities of Selkirk, Marquette East and Provencher, had to publish a copy of the proposed by-law in a newspaper in both languages. Section CLXIX also stipulated bilingual notices in the case of the sale of property seized for unpaid tax arrears. The duty to publish municipal notices of various types in both languages was again recognized in a statute of 1879<sup>2</sup>. In 1884 it was provided that notices of voters' lists in Winnipeg should be published in French and English newspapers in that city.<sup>3</sup>

b) Electoral provisions. As a result of the publication of all statutes in both languages, all forms for oaths, licences and notices, where given, were bilingual. For example, The Manitoba Election Act<sup>4</sup> provided for voters' instructions in both languages, although the ballot form appeared in English only in that version of the statute. Section XVI of the same statute stipulated that voters' lists be certified in both languages by the Clerk, except in the counties of Marquette

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1. 1875, S.M., 38 Vict., c. 41.

2. S.M., 43 Vict., c. 3, ss.CXCV and CXCVI.

3. S.M., 47 Vict., c. 78, s. 95 called An Act to consolidate and amend the several Acts of Incorporation of the City of Winnipeg.

4. 1875, S.M., 38 Vict., c. 2.





West and Lisgar. Section LXIII stated that the returning officer was to proclaim all elections in both languages:

" The returning officer, within the eight days next after the receipt of the writ of election, shall by proclamation under his hand, according to form I, and in the French and English languages, et forth:

1. The place, day and hour at which the nomination of candidates shall take place;

2. The day upon which the polls shall be opened, if a poll is required;

3. The different polling stations by him established, together with the territorial limits of each of said polling stations." <sup>1</sup>

Voters' lists were to be prepared and published in each district in both languages<sup>2</sup>.

c) Provision for other bilingual notices. The law provided that notices of rectification of title were to be published in the Official Gazette or another newspaper in both languages<sup>3</sup>. Also notices of the finding of stray animals and the sale thereof were to be in both languages<sup>4</sup>.

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<sup>1</sup>This provision was repeated in section 68 of The Election Act of Manitoba, 1886, S.M., 49 Vict., c. 29.

<sup>2</sup>1872, S.M., 35 Vict., c. 6, s. 9.

<sup>3</sup>1873, S.M., 36 Vict., c. 23, s.III.

<sup>4</sup>Section I of An Act to amend the Act 34 Vict., cap. 30, intituled: "An Act concerning Stray Animals", 1875, S.M., 38 Vict., c.32.

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS  
AND ARCHITECTURE

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1.140 Bilingualism in the courts of Manitoba during this period.

The period from 1870 to 1890 witnessed many provisions ensuring bilingualism in the courts of Manitoba. Section 3 of An Act to extend to the Province of Manitoba certain of the Criminal Laws now enforced in the other Provinces of the Dominion<sup>1</sup> made provision for the right of an accused to a mixed jury in Manitoba criminal cases (a right now embodied in s. 536 of the Criminal Code)<sup>2</sup>. Section 52 of the same Statute provided that, "so much of the laws of the Governor and Council of Assiniboia as are not repealed by the preceding section, or are not consistent with this Act, or with any other Act to be passed during this Session, shall be extended to the whole of the Province of Manitoba," thereby preserving those provisions of the Council which protected the right to use French in the courts. We have also found a number of interesting provisions dealing with juries. For instance, the Sheriff was required to draw up two separate jury lists containing the names of French-speaking and of English-speaking jurors<sup>3</sup>. Aliens were barred from serving as jurors, thereby restricting access to a jury de medietate linguae to

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<sup>1</sup>1870, S.M. 34 Vict., c. 14.

<sup>2</sup> cf. 5.09, 5.12, and 5.13.

<sup>3</sup> 1872 S.M., 35 Vict., c. 3, s. 4.





French or English-speaking accused.<sup>1</sup> The right to a mixed jury in criminal cases was optional; mixed juries were not compulsory.<sup>2</sup> Mixed juries in civil suits were allowed only in the Eastern Judicial District:

"In any civil suit in which a trial by jury may be legally had, the court may order that the jurors to be summoned to try any issue in such suit shall be composed exclusively of persons speaking the English language; but if any demand be made therefor by any party to the suit, the said court may order that the jurors summoned for such trial shall be composed in equal numbers of persons speaking the English language and of persons speaking the French language."<sup>3</sup>

Detailed provisions were made for impanelling mixed juries.<sup>4</sup>

Later aspects of mixed juries in Manitoba will be treated in chapter V<sup>5</sup>.

#### 1.141 Increased English population and legislative reapportionment.-

After the establishment of the Province, there was a large influx of English-speaking elements from Eastern Canada, the United States, and the British Isles. The French were reduced to a weak minority; according to the census of Canada of 1881 they comprised a population of only 9,688 out of a total provincial population of

1. 1873, S.M., 37 Vict., c. 43, s. II (1) entitled An Act respecting Aliens.
2. Section XXXVI of An Act respecting Jurors and Juries, 1876, S.M., 39 Vict., c. 3.
3. Id., s. XXXVII.
4. 1877 S.M., 40 Vict., c. 18; 1881 S.M. 44 Vict., c. 28; 1883 S.M., 46 and 47 Vict., c. 1, part III; 1884 S.M., 47 Vict.; and 1885 S.M., 48 Vict., c. 17.
5. ss. 5.09, 5.12, 5.13.



62,260 of which 37,155 were of British origin. Inequality of numbers was accentuated by a change in the electoral divisions of the Province which sharply reduced French-speaking representation in the Legislature. During the first few years of the Province's history, the 24 electoral divisions corresponded roughly with parish boundaries. As the population was then distributed, this amounted to equality in representation between English and French, and Protestant and Catholic elements. However, the steady influx of English settlers and the rapid growth of new townships outside the old parish divisions upset the balance very quickly and English members of the Legislature began in 1873 to demand representation by population. The Re-distribution Bill of 1879 which met these demands, provided for 8 electoral divisions within the French and Roman Catholic parishes, 8 for the old English parishes, and 8 for newly settled and outlined townships. In 1881, the square survey replaced the parish system and religion and race no longer determined the ratio between French and English.<sup>1</sup>

1.142      Assimilationist Pressures.-

The assimilationist policies of D'Alton McCarthy were given expression in Manitoba by Joseph Martin, Attorney-General in the Greenway Cabinet. On August 5, 1889 he appeared on a platform

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1. Donnelly, M.S., The Government of Manitoba, Toronto, 1963, at p. 78.





with McCarthy in Portage la Prairie and belligerently demanded the abolition of separate schools and the official use of French, or he would resign as Attorney-General. He thus committed the Cabinet to a decision he had taken on largely emotional grounds.<sup>1</sup>

1.143      Abolition of Official Bilingualism in Manitoba.-

The Manitoba Government proceeded to give effect to Martin's sentiments and at the session of 1890 passed An Act to provide that the English Language shall be the official language of the Province of Manitoba<sup>2</sup>. This statute assented to on March 31, 1890, reads as follows:

"HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:

1. Any statute or law to the contrary notwithstanding, the English language only shall be used in the records and journals of the House of Assembly for the Province of Manitoba, and in any pleadings or process in or issuing from any court in the Province of Manitoba. The Acts of the Legislature of the Province of Manitoba need only be printed and published in the English language.

2. This Act shall only apply so far as this Legislature has jurisdiction so to enact, and shall come into force on the day it is assented to."

By providing that the records and journals of the Legislative

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1. Donnelly, op. cit.; at p. 36.

2. 1890 S.M., 53 Vict., c. 14.

The first part of the paper discusses the importance of the study and the objectives of the research. It then proceeds to a literature review, followed by a description of the methodology used in the study. The results of the study are presented in the next section, followed by a discussion of the findings and their implications. The paper concludes with a summary of the main points and a list of references.

The second part of the paper discusses the importance of the study and the objectives of the research. It then proceeds to a literature review, followed by a description of the methodology used in the study. The results of the study are presented in the next section, followed by a discussion of the findings and their implications. The paper concludes with a summary of the main points and a list of references.

The third part of the paper discusses the importance of the study and the objectives of the research. It then proceeds to a literature review, followed by a description of the methodology used in the study. The results of the study are presented in the next section, followed by a discussion of the findings and their implications. The paper concludes with a summary of the main points and a list of references.

Assembly should be in English only, that language effectively became the language of debate as well as of record.

1.144      Validity of the abolition of the official status of the French language.-

French protagonists immediately objected that the Province had acted ultra vires in nullifying what had been validated by an Imperial Act. If section 2 of the Act is any indication, the Manitoba Government itself was uncertain as to the extent of its jurisdiction in language rights, in effect questioning its power to pass the Act. The Dominion Government refused to disallow the legislation, the Minister of Justice maintaining that the question was one for the courts to decide, and that disallowance would be too drastic an action to take. Whether or not the Manitoba Government had acted ultra vires will be considered in the next chapter.<sup>1</sup> However, the attitude of the French was well indicated by Mr. Tarte, who spoke as follows in the House of Commons:

"Where is the political man who will contend that the Manitoba legislature had a right to abolish the French language? ... They (the people of Manitoba) prevent us from speaking the French language in the legislature and they do not want it to be taught in the schools. In a word they say to us: we are two against one; we abolish your language not because you have no rights, but because we are stronger than you."<sup>2</sup>

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1. cf. 2.06

2. Hansard, March 6, 1893, p. 1766.

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If, as the Dominion Government contended, the question was one for the courts to decide, the fact remains that there has, to our knowledge, been no official court report of any case involving the right to use the French language. However, Weir<sup>1</sup> reports that in June, 1916, the case of Dumas v. Baribeault<sup>2</sup> was introduced in the courts of Manitoba which was intended to test the legal status of the French language in judicial proceedings. According to Weir, this case arose from the fact that a statement of claim in a civil action was rejected by the Prothonotary on the ground that it was written in French, and counsel for the plaintiff sought to secure a ruling from the courts on the matter. The courts upheld the law of 1890. The request for a mandamus was refused without reasons being given. In reply to our inquiry, Mr. J. A. Robin, Prothonotary of the Court of Queen's Bench in Winnipeg, wrote us on August 30, 1965, that the records did not disclose any reason for the dismissal of the petition, but that it was probably the 1890 Act to provide that the English Language shall be the official Language of the Province of Manitoba.

1.145      Aftermath of the abolition of official bilingualism.-

Following the abolition of official bilingualism in Manitoba, statutory provision providing for communications with the public in both languages became inactive. In some cases they were expressly repealed or altered. For instance, while

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1. Weir, G.M., Separate School Law in the Prairie Provinces, Toronto, p. 47.
  2. 926/16 Chambers.



previously French could be used in the courts, the Queen's Bench Act<sup>1</sup> stipulated that testimony was to be given in English, through interpreters if need be. The 1891 Election Act of Manitoba<sup>2</sup> no longer required election notices to be in both languages. While the 1881 Act to authorize the changing of the names of Incorporated Companies<sup>3</sup> had provided that corporations had to give notice in both languages of any proposed change of name, a subsequent enactment dispensed with the requirement of French notices.<sup>4</sup> In 1900 the Manitoba Legislature provided that persons who were entitled to vote but did not have the necessary property qualifications should take an oath that they, among other things, could read the Manitoba Act in either English, French, German, Icelandic or any Scandinavian language.<sup>5</sup> Thus, by 1900, French, which ten years before had still been one of Manitoba's official languages, was reduced in the eyes of the Manitoba Parliament to the level of German, Icelandic or any Scandinavian language.

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1. 1895 S.M., 58-59 Vict., c. 6, s. 491.

2. 1891 S.M., 49 Vict., c. 29, s. 18.

3. 1881, S.M. 44 Vict., c. 15, s. 2.

4. An Act to amend "An Act to authorize the changing of the names of Incorporated Companies", 1898, 61 Vict., c. 8, s. 2.

5. An Act to amend "An Act respecting the Election of Members of the Legislative Assembly", 1900, S.M., 63-64 Vict., c. 11, s. 1 (2).





C. THE LEGAL HISTORY OF BILINGUALISM IN THE NORTHWEST  
TERRITORIES

1.146 Creation of the Northwest Territories.

On passage of The Manitoba Act, the name "Northwest Territories" was given to the portion of Rupert's Land and of the North Western Territory not included in the Province of Manitoba. By section 36 of The Manitoba Act, legislation passed in 1868 with reference to the whole previous territory was re-enacted with reference to the new and more limited Northwest Territories. It provided that An Act for the temporary government of Rupert's Land and the North Western Territory when united with Canada<sup>1</sup> should be re-enacted with reference to the Northwest Territories. Section 35 of The Manitoba Act added that the Lieutenant-Governor of Manitoba should also be the Lieutenant-Governor of the Northwest Territories.

1.147 First Council of the Northwest Territories.

The first Lieutenant-Governor of Manitoba and the Northwest Territories was the Hon. Adams G. Archibald. A serious outbreak of smallpox within a few weeks of his arrival at Fort Gary prompted him to appoint a three-man council for Rupert's Land and the North Western Territory. The three men appointed

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<sup>1</sup>1869 S.C., 32-33 Vict., c.3.

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were Hon. Francis G. Johnson, Pascal Breland and Donald A. Smith, representing the three great interests of the West - the English, the French, and the Hudson's Bay Company. But Archibald had exceeded his powers in forming this Council.

1.148      Beginning of formal government and French representation.

It was not until the naming of Archibald's successor, the Hon. Alexander Morris, that a properly constituted council of eleven persons was appointed to assist the Lieutenant-Governor. Their appointment constituted the beginning of formal government for the Territories. Of these eleven persons, three (Marc Amable Girard, Pascal Breland, Joseph Dubuc) were French-speaking. In May, 1873 the maximum number of councillors was raised to twenty-two, and, in October of that year, seven additional appointees were named, of which two, Joseph Royal and Pierre Delorme, were French-speaking. Thus at the outset of formal government in the Northwest Territories, the French had 5 representatives on the 18 member council.<sup>1</sup>

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<sup>1</sup>Williams, D.C., "Law and Institutions in the Northwest Territories", (1963) 28 Sask. Bar Rev., Sept. issue, 109 at 112.

The first part of the paper discusses the importance of the study and the objectives of the research. It also outlines the methodology used in the study and the results obtained. The second part of the paper discusses the implications of the study and the conclusions drawn from the research.

The study was conducted in a laboratory setting and the results were compared with those obtained in previous studies. The study found that the results were consistent with those obtained in previous studies and that the methodology used in the study was effective. The study also found that the results were consistent with those obtained in previous studies and that the methodology used in the study was effective. The study also found that the results were consistent with those obtained in previous studies and that the methodology used in the study was effective.

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1.149      Recognition of bilingualism during the 1873-75 period.

The Morris administration lasted five years. Though most of the important decisions were taken in the years 1873 to 1875, during that period no Dominion legislation was passed conferring any special legal status on the French language. Noteworthy, however, are four meetings of the Council which disclose a de facto bilingualism or at least multilingualism in the Northwest Territories:

1.    At the meeting of September 11, 1873, the Council acknowledged the services performed by the Reverend J. A. MacKay of Stanley Mission on English River in printing, translating and publishing the Manitoba Masters and Servants Act in the Cree language.<sup>1</sup>

2.    At the meeting of September 13, 1873, the following resolution was passed:

"Resolved That the Clerk of the Council be directed and he is hereby directed to apply for fifty English and fifty French copies of the Criminal Statutes of Canada, and for authority to print and distribute printed forms of Summonses &c. &c. as required by the Statute for the use of Justices of the Peace in the North-West Territories."<sup>2</sup>

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<sup>1</sup>OLLIVER, op. cit., p. 1007.

<sup>2</sup>id., p. 1009-1010.



It was further decided at this meeting that in future all acts of the Council should be published in the English, French and Cree languages:

"A Committee consisting of the Hon. Messrs. Hamilton & Bannatyne and Mr. Urquhart the Clerk of the Council was appointed with directions to see that all Acts of Council &c. shall be published in the English, French and Cree Languages."<sup>1</sup>

Nevertheless, of the 15 Ordinances approved by the Council in the years 1873 - 1875, none was printed for circulation. The ordinances were instead inscribed in longhand in the Minutes of the Council<sup>2</sup>.

3. A meeting in late 1874 indicates that deference was given to the language of the French members of the Council. The Minutes of the meeting contained the following items:

"The Committee appointed to consider the case of Indian Children attending Schools in the North-West, reported two Bills, through their Chairman, Honbl. Mr. Dubuc. The Bills referred back with instructions to the Secretary of the Council to enlarge their Preambles and have copies of the Bills printed (in English and French) for the use of Members."<sup>3</sup>

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<sup>1</sup>id., p. 1011.

<sup>2</sup>Williams, D.C., Law and Institutions in the Northwest Territories, 29 Sask. Bar Rev., No. 3, Sept. 1964, at p. 86.

<sup>3</sup>Olliver, op. cit., p. 1028.

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4. Finally the meeting of December 3, 1874 indicates that the Council received and gave full consideration to communications in French. The Minutes of the meeting refer to five petitions for incorporations from French-speaking Roman Catholic clerics. A Committee on private Bills was appointed to consider the petitions.<sup>1</sup>

From the available material, it appears that both languages could be used in the Petty Courts for several of the judges were French-speaking and that bills were drawn up for the Council in both languages. One may, therefore, conclude that in the period prior to the separate political existence of the Northwest Territories, there was a rudimentary and unofficial bilingualism in that area.

1.150      Northwest Territories Act of 1875: No provision for bilingualism.

Distinct political existence for the Territories began with the passage in 1875 of Dominion legislation intended to replace the temporary measures of 1869<sup>2</sup>. Unlike The Manitoba Act, this statute contained no reference to, or guarantees of, bilingualism.

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<sup>1</sup>Ibid., pp. 1032-33.

<sup>2</sup>S.C., 38 Vict., c. 49 called An Act to amend and consolidate the Laws respecting the Northwest Territories or The Northwest Territories Act, 1875. Although the Act was assented to on April 8, 1875, it was not proclaimed until October 7, 1876.



1.151      Bilingualism received statutory recognition in 1877.

The Northwest Territories Act was amended in 1877<sup>1</sup>.

Section 110 of the amending statute provided:

" Either the English or the French language may be used by any person in the debates of the said Council, and in the proceedings before the Courts, and both those languages shall be used in the records and journals of the said Council, and the ordinances of the said Council shall be printed in both those languages."

This section - which had not been in the original Bill presented by the authorities - was introduced by Senator Girard of Manitoba. The Government would have preferred to leave the matter under local control, but it was too late in the session to send the Bill back to the Senate, and it was allowed to pass.<sup>2</sup> Whether or not protecting French language rights was a local matter, the provision does not appear to have been unreasonable, considering the number of French-speaking population at 2,896 compared with an English-speaking population of 3,104 (that is, comprising all the other non-Indian groups). The wording of section 110 of the 1877 Act was changed slightly in 1880 to read:

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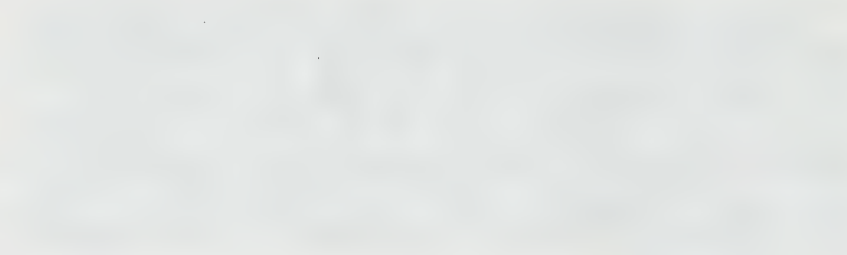
<sup>1</sup>by An Act to amend The Northwest Territories Act, 40 Vict., c.7.

<sup>2</sup>Commons Debates, 1877, p. 1872, quoted in Thomas, L.H., The Struggle for Responsible Government in the Northwest Territories, 1870-97, Toronto, 1956, p. 78.

# THE HISTORY OF THE

## REPUBLIC OF THE UNITED STATES OF AMERICA

FROM THE FIRST SETTLEMENTS TO THE PRESENT



1776

The history of the Republic of the United States of America is a story of growth, struggle, and achievement. From the first settlements on the eastern coast to the present day, the nation has evolved through numerous challenges and triumphs. The early years were marked by the struggle for independence from British rule, leading to the signing of the Declaration of Independence in 1776. This was followed by a period of rapid expansion and the development of a unique American identity. The nation's growth was fueled by westward expansion, the discovery of gold, and the industrial revolution. However, this growth was not without its costs. The Civil War, fought between 1861 and 1865, was a pivotal moment in the nation's history, as it resolved the issue of slavery and preserved the Union. The Reconstruction era that followed was a period of significant change and progress, but it was also a time of great hardship and struggle. The late 19th and early 20th centuries saw the nation's continued expansion and the rise of a powerful industrial and military power. The 20th century has been a period of great change and progress, with the nation playing a leading role in the world. The challenges of the 21st century, including globalization, climate change, and technological advancement, continue to shape the nation's future. The history of the Republic of the United States of America is a testament to the resilience and spirit of the American people.



" Either the English or the French language may be used by any person in the debates of the Council or Legislative Assembly of the North-West Territories and in the proceedings before the courts; and both those languages shall be used in the records and journals of the said Council, or Assembly; and all ordinances made under this Act shall be printed in both those languages."<sup>1</sup>

In 1886 a minor textual change was again made in this section<sup>2</sup>.

1.152      Provision for publication of ordinances of the N.W.T. Council in both languages.

The ordinances of the Northwest Territories Council of 1878 were the first to be printed for general circulation. The versions appear in both languages. The French version was printed in Battleford by P. G. Laurie, the first Queen's Printer to the Government of the Northwest Territories.<sup>3</sup> The English version, however, does not appear to have been printed until 1884, in Regina.<sup>4</sup> The practice of publishing the ordinances in English and French continued until 1892 when the Legislative Assembly of the Northwest Territories adopted English as the only language of record.<sup>5</sup>

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<sup>1</sup>S.C. 43 Vict., c. 25, s. 94.

<sup>2</sup>R.S.C. 1886, c.50, s. 110.

<sup>3</sup>Ordonnances des Territoires du Nord-Ouest, 1878, P. G. Laurie, Battleford, 1879.

<sup>4</sup>Ordinances of the Northwest Territories, 1878, Nicholas Flood Davin, Queen's Printer to Government of Northwest Territories, Regina, 1884.

<sup>5</sup>cf. infra 1.155.



1.153     Legislative provisions giving recognition to French  
(1878-92).-

The ordinances of the Northwest Territories Council from 1878 to 1892 do not contain many relevant provisions. Those which exist all deal with notices to the public and only one of them requires unequivocally publication in both languages.<sup>1</sup> Ordinance No. 6 of 1881<sup>2</sup> provided for notices by the pound-keeper of impounded animal to be inserted in the nearest newspaper "in both English and French if apparently necessary".<sup>3</sup> The Ordinance respecting electoral districts provided that all proclamations and notices in districts "in which a number of the electors speak the French language" shall be in both languages.<sup>4</sup> Two ordinances also provided for interpreters in electoral and school matters<sup>5</sup> but without indicating the language which the voter or the citizen must fail to comprehend to be entitled to an interpreter.

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1.     The School Ordinance of 1884, s. 41 of which stated that the Proclamation of the Lieutenant-Governor electing any district into a school district shall be printed and posted "in both the French and English languages."
  2.     An Ordinance respecting Trespassing and Straying Animals.
  3.     Section 9 (2). *italics ours.*
  4.     Section 50.
  5.     Proclamation relating to Electoral Districts and Elections in the Northwest Territories, 1881, s. 34; and The School Ordinance, 1884, s. 17 (4) and (6).





1.154      Judge Taylor's argument that English was the only official language of the Supreme Court of the Northwest Territories.-

Judge G. E. Taylor in an article for the Canadian Bar Review<sup>1</sup> claimed that by the establishment of the Supreme Court of the Northwest Territories and the creation of a Legislative Assembly, legislative jurisdiction over the practice and procedure of that Court was conferred on the Assembly. He referred to the Judicature Ordinance of the Assembly,<sup>2</sup> s. 3 of which provided:

"The jurisdiction of the Supreme Court of the North West Territories shall be exercised, so far as records, procedure and practice, in the manner provided by this ordinance, and where no special provision is contained as nearly as may be as in the High Court of Justice in England."

and to Rule 556<sup>3</sup> which stated:

"Subject to the special provisions of this ordinance the procedure and practice existing at the time of the coming into force of this ordinance in the High Court of Justice in England shall as nearly as may be, be held to be incorporated herewith."

Judge Taylor claimed that the language of court proceedings is a matter of "practice and procedure" and that the above-mentioned provisions were sufficient to re-establish English as the language

1. The Official Language of the Courts of Saskatchewan, 1931, 9 C.B.R., p. 277.
2. No. 6 of 1893. This Ordinance was re-drafted in the Consolidated Ordinances, 1898.
3. which came into force on January 1, 1894. This Rule became s. 21 of the Judicature Ordinance in 1898, C.O.N.W.T., c. 21, s. 21.



of the courts in the Territories since English was the sole language allowed in the Supreme Court of Judicature in England.

We must differ from the learned Judge for several reasons. Firstly, s. 133 of the B.N.A. Act provided that either language could be used in the courts created by the Parliament of Canada, and the Supreme Court of the Northwest Territories was one of them. Secondly, s. 3 of the Judicature Ordinance stated that the jurisdiction of the Northwest Territories Supreme Court was to be exercised "as nearly as may be" as in the Supreme Court of Judicature in England. In our opinion s. 110 of the Northwest Territories Act as amended in 1891 was not superseded by the provisions referred to by Judge Taylor.

1.155      The abolition of French as an official language in the Legislative Assembly of the Northwest Territories.-

The passage by the Quebec Legislature of the Jesuits' Estates Act triggered a campaign against French and Catholic influence in Canadian politics. This campaign was led by D'Alton McCarthy, a prominent conservative member of Parliament and a





zealous assimilationist. McCarthy was one of the founders of the Equal Rights Association. This imperialist organization, formed in June 1889, advocated a policy of unilingualism throughout Canada. In July 1889 he announced his intention of proposing legislation to abolish the use of French as an official language in the Legislature and Courts of the Territories.<sup>1</sup> That same summer he made a tour through Manitoba and the resulting agitation contributed to the revocation of the language and scholastic guarantees of The Manitoba Act.<sup>2</sup> In February 1890 he introduced a Bill which was prefaced by the claim "that there should be a community of language among the people of Canada".<sup>3</sup> The proposal, which touched off an avid debate, proved embarrassing to the parliamentary leaders, MacDonald and Laurier - to the former because he was forced to reconcile French-Catholic and English-Orangist elements within the Conservative ranks, and to the latter because he wished to avoid an appearance of treachery to French-Canadian interests, without appearing too nationalist to English Canada. The proposal was ultimately watered down to a compromise which provided that after the next general election in the Territories, the N.W.T. Assembly should itself have the power to regulate the manner in which the proceedings were recorded. This compromise was in the form of a motion amending the motion for second reading. It was proposed by

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1. Thomas, op.cit., p.185.
  2. cf. s. 1.143.
  3. Commons Debates, 1890, col. 598.



Sir John Thompson.<sup>1</sup> The motion read as follows:

"That the legislative assembly of the North West Territories should receive from the Parliament of Canada power to regulate, after the next general elections of the assembly, the proceedings of the assembly and the manner of recording and publishing such proceedings.

The Bill, therefore, left the position of the French language in court proceedings untouched, and permitted the continuance of the practice of printing the Ordinances in French. McCarthy's Bill did not pass second reading, but the compromise was embodied in the amendment to the Northwest Territories Act introduced in the Senate a few weeks later. On the second reading of this Bill in the House of Commons, McCarthy indicated that when it reached the Committee stage, he would renew his campaign for abolition of French as an official language. This is probably why the Bill was allowed to die on the order paper.<sup>2</sup> The compromise first proposed by Thompson in the winter of 1890 was finally embodied in An Act to amend the Northwest Territories Act<sup>3</sup>, which provided as follows:

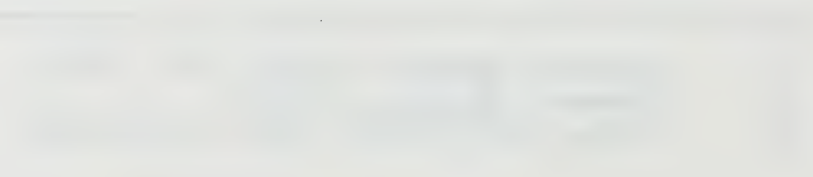
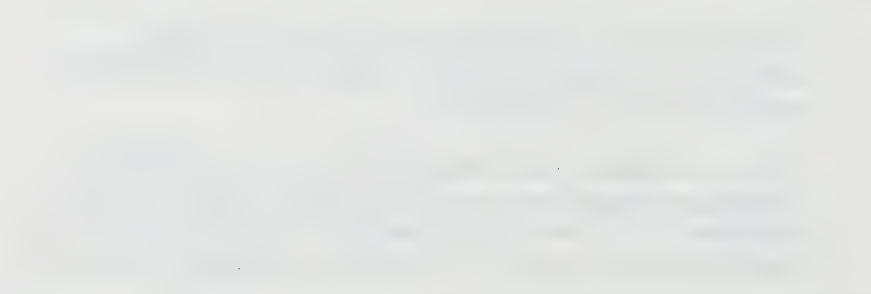
"Section one hundred and ten of the Act is hereby repealed and the following substituted therefor:-

"110. Either the English or the French language may be used by any person in the debates of the Legislative Assembly of the Territories and in the proceedings before

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1. Commons Debates, 1890, Col. 1017.
  2. Thomas, op.cit., p.187.
  3. 1891, S.C., 54-55 Vict., c.22, s.18.



The following text is extremely faint and illegible. It appears to be a multi-paragraph document, possibly a letter or a report, but the content cannot be transcribed due to the low contrast and blurriness of the scan.





the courts; and both those languages shall be used in the records and journals of such Assembly; and all ordinances made under this Act shall be printed in both those languages: Provided, however, that after the next general election of the Legislative Assembly, such Assembly may, by ordinance or otherwise, regulate its proceedings, and the manner of recording and publishing the same; and the regulations so made shall be embodied in a proclamation which shall be forthwith made and published by the Lieutenant Governor in conformity with the law, and thereafter shall have full force and effect."<sup>1</sup>

Thus, the Assembly was not enabled to touch the use of the French language in court proceedings, and the power to regulate its own proceedings was not to be exercised until after the next Territorial general election. Accordingly, on January 19, 1892, it was moved by Frederick Haultain," that it is desirable that the proceedings of the Legislative Assembly shall be recorded and published hereafter in the English language only".<sup>2</sup> The resolution was passed over some oppositions.

1.156      Illegality of abolition of French in the Legislature of the Northwest Territories.-

We have come to the conclusion that French was never legally abolished in the Legislature of the Northwest Territories because the resolution of Frederick Haultain was never proclaimed as required by the 1891 amendment to the Northwest Territories Act.

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1.      Italics ours.
  2.      Journal of the Northwest Territories, 1891-2, p.110.



[The following text is extremely faint and illegible due to the quality of the scan. It appears to be a multi-paragraph document, possibly a letter or a report, with several lines of text visible across the middle section of the page.]

[The text at the bottom of the page is also illegible. It appears to be a signature block or a footer, possibly containing a name and a date.]

Indeed, the most diligent research has been unable to disclose any such proclamation. On September 15, 1965, the undersigned enquired from Mr. Hugo Fischer, Legal Adviser to the Department of Northern Affairs and Natural Resources whether such proclamation had ever been made. We quote part of Dr. Fischer's reply dated September 24, 1965:

"In your letter of September 15 to me you enquired whether the Lieutenant Governor of the North-West Territories ever made the proclamation required by section 110 of the North-West Territories Act (as amended by S.C.1891, c.22) that would have established English as the sole language of the Legislature. No such proclamation could be found in the Public Archives of Canada or other likely source here in Ottawa. The Provincial Archivist of Saskatchewan who would be the depositary of the proclamation is of the opinion that it was never made.

Mr. Allan R. Turner, Provincial Archivist of Saskatchewan, wrote to Dr. Fischer on September 22, 1965 as follows:

" Some time ago I instituted a search for the proclamation embodying this resolution but was unable to find one. I have again checked our indexes to both the Proclamations and the Orders in Council of the period, and have also examined the individual proclamations for the period 1892 - 1895, without success. I am therefore led to believe that no proclamation was issued subsequent to the action of the Legislative Assembly."<sup>1</sup>

A search of the Dominion Archive was equally fruitless. We quote a letter dated September 22, 1965 addressed by Mr. Pierre Brunet, Assistant Dominion Archivist to Dr. Fischer:

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1. Copy of this letter was communicated to the undersigned by Dr. Fischer.





"A search of the Northwest Territories Gazette for the years 1891-95, and of other logical sources in our custody has failed to locate a Proclamation establishing English as the only official language of the Northwest Territories Legislative Assembly, 1892 or subsequently." 1

Consequently, until proof to the contrary is offered, we conclude that in the absence of the proclamation required by the 1891 Amendment to the Northwest Territories Act the resolution of abolishing French in the Legislative Assembly of the Northwest Territories never acquired "full force and effect" and not only is it still permissible to use French in the debates but the records and journals must still be printed in both languages and should have been so printed without interruptions since 1892.

1.157      Present position of French in the Law of the Northwest Territories.

Not only was French never legally abolished in the N.W.T. Assembly, but its use in the courts was never affected since the Legislature was never given the power to deal with the question. A perusal of the Ordinances of the Northwest Territories from 1892 to 1915 reveals that the French language no longer received even the grudging deference accorded to it prior to 1892. In fact, English became the only language officially

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1.      Copy of this letter was communicated to the undersigned by Dr. Fischer.



recognized throughout the Territories. Two examples will illustrate this contention. The Territories Election Ordinance<sup>1</sup> provides for interpretation whenever a prospective voter did not understand English. French was thus placed on the same plane as any other language. Conversely, The Coal Mines Regulations Ordinance<sup>2</sup> forbade the appointment of any one "unable to speak and read English" to a position of trust or responsibility in or about a mine. On the other hand, a partial recognition of the French element in the Territories can be found in the incorporation of French-speaking clerical corporations under French names.<sup>3</sup>

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1. No. 11 of 1897, Consolidated Ordinances 1898, c. 3, s. 47.

2. No. 9 of 1898, s. 38 (34).

3. e.g. An Ordinance to incorporate "Les Soeurs de Charité de la Providence des Territoires du Nord Ouest", N.W.T. Ordinances, 1902, c. 13.





D - YUKON TERRITORY

1.158 Creation of the Yukon Territory in 1898.-

On August 16, 1897, the Cabinet issued a Proclamation defining the boundaries of the Yukon Judicial District carved out the Northwest Territories.<sup>1</sup> The following year, Parliament passed the Yukon Territory Act which was assented to on June 13, 1898<sup>2</sup>. In virtue of s. 2 of this statute, the Yukon Judicial District was "constituted and declared to be a separate territory under the name of the Yukon Territory". The new Territory was to be administered by a Commissioner appointed by the Cabinet and instructed by it<sup>3</sup>. The statute also provided for a Cabinet-appointed Council with powers to make ordinances "for the government of the territory", but subject to the power of disallowance by the Federal Cabinet.<sup>4</sup> Some legislative power, particularly in the area of taxation and criminal law, remained with the Federal Cabinet<sup>5</sup>. Section 9 of the Yukon Territory Act stated:

"Subject to the provisions of this Act, the laws relating to civil and criminal matters and the ordinances as the same exist in the North-west Territories at the time of the passing of this Act, shall be and remain in force in the said Yukon Territory in so far as the same are applicable thereto until amended or repealed by the Parliament of Canada or by any ordinance of the Governor in Council or the Commissioner in Council made under the provisions of this Act."

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1. This Proclamation is found as an annex to the Yukon Territory Act, 1898, 61 Vict., c. 6.
  2. 1898, 61 Vict., c. 6.
  3. ss. 3 and 4.
  4. ss. 6 and 7.
  5. s. 8.



The Act also created a Territorial Court<sup>1</sup>. Section 17 stipulated that only British subjects could qualify for jury duty.

1.159      The position of languages in the newly created Yukon Territory.-

Under s. 9 of the Act the laws existing in 1898 in the Northwest Territories were carried into the law of the newly created Yukon Territory "in so far as the same are applicable thereto until amended or repealed by the Parliament of Canada or by any ordinance of the Governor in Council or the Commissioner in Council"<sup>2</sup>. What was the relevant law in the Northwest Territories at that time? We have seen<sup>3</sup> that the purported attempt by the Legislative Assembly of the Northwest Territories to abolish the use of French as an official language was illegal and that to all intents and purposes French remained with English an official language which can be used in the Legislative Assembly and should be used in its records and journals. Insofar as the courts are concerned, we have seen that technically speaking French never ceased to be an official language of the courts of the Northwest Territories,<sup>4</sup> and the same can be said of the Yukon Territorial Court. Furthermore, as we will have occasion to see<sup>5</sup> it would in any case be ultra vires the powers of Parliament which

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1. s. 10.

2. The current Yukon Act, 1952-53, 1-2 Eliz. II, c. 53, s. 22 still provides that the laws relating to civil and criminal matters and the ordinances in force in the Northwest Territories on June 13, 1898 "shall be and remain in force in the Territory, in so far as the same are applicable thereto, and in so far as the same have not been or are not hereafter repealed, abolished or altered by the Parliament of Canada, or by any ordinance."

3. in 1.155 and following.

4. cf. 1.157.

5. in 4.17 (f) and (g).





constituted both the courts of the Northwest Territories and the Yukon Territorial Court to make them unilingual. Section 133 of the B.N.A. Act would prohibit it. We conclude thus that today French is still an official language in the Yukon Territory which can be used in both its Council and in its courts.

1.160      Erroneous assumption that only English is an official language.-

However, if one is to judge from the ordinances passed by the Commissioner in Council of the Yukon Territory, it would seem that only English is deemed to be official. For instance, the Ordinance respecting Elections<sup>1</sup> provides that if a prospective voter "is unable to understand the English language" an interpreter shall be provided. The Council seems to have taken for granted that the knowledge of French would not be sufficient and equates French with all other foreign languages. The ordinances contain several other provisions dealing with interpreters in court proceedings regulating their functions but without indication of language.<sup>2</sup>

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1. 1902 C.O.Y.T. c. 3, s. 41.

2. The Judicature Ordinance, C.O.Y.T. 1902, c. 17, R. 539 and 626.



E - ALBERTA AND SASKATCHEWAN

1.161 The creation of Alberta and Saskatchewan.-

Increased immigration to the Northwest Territories towards the end of the 19th century necessitated heavier expenditures for education, public works and local administration. The introduction of municipal organizations into many districts outside the limits of the more densely populated settlements proved to be impossible. Excessive administrative and financial burdens were thus imposed upon the Territorial Government. It was evident that a more sophisticated form of government was required for the more populated areas of the Northwest Territories. It will be recalled that under s. 2 of the B.N.A. Act, 1871, the Parliament of Canada was allowed to create new provinces. In 1905, the Parliament of Canada carved out of the Northwest Territories the Provinces of Alberta and Saskatchewan. This was done by means of the Alberta Act<sup>1</sup> and the Saskatchewan Act<sup>2</sup>. Section 16 of each Act provided for the continuation of previous Northwest Territories legislation:

"All laws and all orders and regulations made thereunder, so far as they are not inconsistent with anything contained in this Act or as to which this Act contains no provision intended as a substitute therefor, and all courts of civil and criminal jurisdiction, and all commissions, powers, authorities and functions, and all officers and functionaries, judicial, administrative and ministerial, existing immediately before the coming into force of this Act in the territory hereby established as the province of Alberta (or Saskatchewan), shall continue in the said province(s) as if this Act and The Saskatchewan Act had not been passed; subject, nevertheless, except with respect to such as are enacted by or existing under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland, to be repealed, abolished, or altered by the Parliament of Canada, or by the Legislature of the said province(s), according to the authority of the Parliament, or of the said Legislature."<sup>3</sup>

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1. S.C. 1905, 4-5 Ed. VII, c. 3.

2. S.C. 1905, 4-5 Ed. VII, c. 42.

3. The words or letters between brackets have been added by the undersigned.





1.162     Alberta and Saskatchewan were officially bilingual at the time of their creation.-

It will be recalled that s.110 of the Northwest Territories Act , as amended in 1891, provided:

Either the English or the French language may be used by any person in the debates of the Legislative Assembly of the Territories and in the proceedings before the courts; and both those languages shall be used in the records and journals of such Assembly; and all ordinance made under this Act shall be printed in both those languages: Provided , however, that after the next general election of the Legislative Assembly, such Assembly may, by ordinance or otherwise, regulate its proceedings, and the manner of recording and publishing the same; and, the regulations as made shall be embodied in a proclamation which shall be forthwith made and published by the Lieutenant-Governor in conformity with the law and thereafter shall have full force and effect."

Since this section was in force in the territories which became Alberta and Saskatchewan at the time of the coming into force of the Alberta and Saskatchewan Act , it can be argued that s.110 of the Northwest Territories Act, as amended in 1891 continued as part of the law of both Alberta and Saskatchewan. A claim has been made that s. 18 of the 1891 Statute amending the Northwest Territories Act and inserting therein the above quoted s. 110 had been superseded and that consequently s.110 of the Northwest Territories Act never formed part of the law of Alberta and Saskatchewan. We do not agree with this claim which is based on the following arguments. In the "Table of

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed.

3. The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the findings of the research. The data shows a clear trend in the relationship between the variables studied.

4. The fourth part of the document discusses the implications of the findings and provides recommendations for future research. It suggests that further studies should be conducted to explore the underlying mechanisms of the observed phenomena.

5. The fifth part of the document concludes the report and summarizes the key points. It reiterates the importance of the research and the need for continued efforts in this field.

Acts contained in the Revised Statutes of Canada, 1886, and Acts of the Dominion of Canada passed thereafter, showing how much of each is in force and how each has been dealt with," to be found in the Revised Statutes of Canada, 1906,<sup>1</sup> the Revisioners refer to section 18 of the 1891 Amendment Act as follows:

"Superseded by 4-5 E.VII, c.27, s.8, recommended for repeal."

This latter Statute was An Act to amend the Act respecting the North-West Territories and was assented to on July 20, 1905, date of assent of both the Alberta and Saskatchewan Acts. Section 8 of this allegedly superseding statute was limited to dis-establishing the Supreme Court of the Northwest Territories. Obviously, the 1906 Revisioners assumed that this was sufficient to supersede the language provision of the 1891 Act. We are of the opinion that the Revisioners read too much into s. 8 of the 1905 Statute. Furthermore, even if this interpretation were correct, all three statutes of 1905 --the Act to amend the Act respecting the North-West Territories, the Alberta Act and the Saskatchewan Act--came into force on the same day, namely the first of September, 1905 and it cannot be said that one preceded the other. If additional proof is needed that s. 110 of the Northwest Territories Act, as amended in 1891 was carried into the laws of Saskatchewan and Alberta, it is to be found in An Act to amend Schedule A to the Revised Statutes, 1906.<sup>2</sup>

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1. Vol.4, at p.2980.

2. S.C. 1907, 6-7 Ed. VII, c.44.





Section 1 of this Statute stipulated expressly that the Act of 54-55 Vict., c.22, i.e. the 1891 Statute amending the Northwest Territories Act and introducing s.110 - was not repealed as regards the provinces of Saskatchewan and Alberta. Consequently, on the basis of our foregoing analysis and of our opinion that French was never legally abolished in the Legislature of the Northwest Territories, we believe that as of the 1st of September, 1905, the law of Alberta and Saskatchewan provided for the use of either English or French, not only in the debates of the Legislative Assembly of each province but in all proceedings before the court and required that both languages be used in the records and journals of the Provincial Legislatures and in the printing of all Provincial Statutes (if statutes can be equated with "ordinances").

1.163 1891 language rights never expressly repealed.-

We have carefully examined all the relevant statutes of both Alberta and Saskatchewan from the time of the first Legislative Session of each to the present day, and have been unable to find anywhere an express repeal of the 1891 provision.<sup>1</sup>

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1. I. A. Alberta Legislation concerning Courts: The Supreme Court Act, S.A. 1907, 7 Ed.VII, c.3; The Judicature Acts, S.A. 1919, 9 Geo.V, c.3; R.S.A. 1922, c.72; R.S.A. 1942, c.129; R.S.A. 1955, c.164.  
B. Alberta Legislation concerning the Legislative Assembly: An Act respecting The Legislative Assembly of Alberta, S.A.1909, 9 Ed. VII, c.2; The Legislative Assembly Acts, R.S.A. 1922, c.3; R.S.A. 1955, c.174, and subsequent amendments.
- II. A. Saskatchewan Legislation concerning Courts: The Judicature Act, S.S.1907, 7 Ed. VII, c.8; The Judicature Act, R.S.S. 1909, c.52; superseded by The Court of King's Bench Act, S.S. 1915, 6 Geo. V, c. 10, and R.S.S. 1920, c. 39, R.S.S. 1930, c. 49, R.S.S. 1940, c.61; The Court of Appeal Act,  
.. cont'd next page



1.164     Has the right to use French been superseded in Alberta and Saskatchewan?--

While no Alberta or Saskatchewan Statute expressly abrogates the use of French language, neither does any specifically allow it in the Legislature or in the Courts. One may thus well wonder whether s.18 of the Northwest Territories Amendment Act of 1891, which, as we have seen, was carried into the law of these provinces, is still in force therein or whether, on the contrary, this provision has been superseded or virtually repealed or rendered obsolete by a subsequent legislation. Neither the mere passage of time or the lack of practical utility resulting from the small size of the French population in either province would be enough to render the provision null. For, as Driedger has said:

"The duration of a statute is prima facie perpetual. A statute is not effaced by lapse of time, even if it is obsolete or has ceased to have practical application."<sup>1</sup>

Can we find the answer by statutory interpretation? It must be recalled that the 1891 provision made French an official language in both the N.W.T. Legislature and in the Courts. Section 14 of both the Alberta and Saskatchewan Acts provided that:

"Until the said Legislature otherwise determines, all the provisions of the law with regard to

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footnote 1. cont'd from previous page:

S.S. 1915, 6 Geo. V, c. 9 , and R.S.S. 1920, c. 38 ,  
and R.S.S. 1930, c. 48 , R.S.S. 1940, c.60; S.S. 1942,  
6 Geo.VI, c. 11; R.S.S. 1953, c.66.

B. Saskatchewan Legislation concerning the Legislative Assembly:  
The Legislative Assembly Acts, S.S. 1906, 6 Ed. VII, c.4;  
R.S.S. 1909, c. 2; R.S.S. 1920, c. 2 ; R.S.S. 1930, c.3;  
superseded by S.S. 1938, 2. Geo. VI, c. 4; R.S.S. 1940, c. 3 ;  
R.S.S. 1953, c.3.

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1.     Driedger, Elmer,A., The Composition of Legislation; Ottawa,  
Queen's Printer, 1957, p. 135.







the constitution of the Legislative Assembly of the Northwest Territories and the election of members thereof shall apply, mutatis mutandis, to the Legislative Assembly of the said province and the elections of members thereof respectively."

It has been held<sup>1</sup> that the words "constitution of the Legislative Assembly of the Northwest Territories" did not include the 1891 language provision but were confined to the continuation in force of chapters 2 and 3 of the Consolidated Ordinances of the Northwest Territories, entitled respectively "An Ordinance respecting the Legislative Assembly of the Territories", and "An Ordinance respecting Elections". In neither ordinance is there any mention of the language of debate or record to be used.<sup>2</sup> To our knowledge, this decision of Mr. Justice Prendergast, of the Supreme Court of the Northwest Territories, is the only judicial pronouncement on this question. It is certainly not an authoritative judgment. One can argue with equal weight that the words "all the provisions of the law with regard to the constitution of the Legislative Assembly of the Northwest Territories" would include such vital provision as the 1891 recognition of French. Furthermore, there is nothing in the earliest provincial statutes dealing with the Legislative Assembly in either province<sup>3</sup> or in the subsequent amendments thereof to suggest that French may or may not be used in the debates or records of either Assembly. Their rules are also silent. On the other hand, it must be admitted that French does

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1. Strachan V. Lamont, (1906) W.L.R. 570.
  2. id., at p.574.
  3. An Act respecting the Legislative Assembly of Saskatchewan, S.S. 1906, 6 Ed.VII, c. 4: An Act respecting the Legislative Assembly of Alberta, S.A. 1909, 9 Ed. VII, c.2.

The first of these is the fact that the  
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not appear to have ever been used in the Legislatures of either province.<sup>1</sup> Nor is there a single Alberta or Saskatchewan statute requiring that the laws of those provinces be published in both languages and, in fact, they are published in English only. From a practical point of view, there is no doubt that French is no longer an official language of those parts of the Northwest Territories which became in 1905 the Province of Alberta and Saskatchewan. But from a strictly legalistic point of view, we feel that a clear-cut case cannot be made for supersession and that there is some plausibility in the view that French can still be used in the Legislative Assemblies of those provinces which might even be required to publish their statutes in both languages. It is obviously impossible to be categorical and we limit our opinion to the guarded statement that the legal situation is far from clear.

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1. cf. 13.11 (b) and 13.21 (b).





1.165     Is French still an official language in the courts  
of Alberta and Saskatchewan?-

The situation is equally muddy with respect to the language of the courts in these provinces. Section 16 of both the Alberta and Saskatchewan Acts had provided that all courts of civil and criminal jurisdiction of the Northwest Territories should continue in each province as if either Act had not been passed at least until abolished by the Parliament of Canada or by the Provincial Legislature. Furthermore, s. 3 of both Acts provided that the B.N.A.Acts of 1867 and 1886 should apply to either province as if each had been one of the province originally united. It will be recalled that s.92(14) of the B.N.A.Act 1867 confers on the provinces legislative jurisdiction over "the Administration of Justice in the Province , including the Constitution, Maintenance, and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts." For two years neither province legislated on the subject. But in 1907 Saskatchewan passed a Judicature Act<sup>1</sup> and Alberta its Supreme Court Act<sup>2</sup>. Each abolished the jurisdiction of the Supreme Court of the Northwest Territories within the province. In effect, all the courts to which

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1.     S.S. 1907, 7 Ed. VII, c.8.

2.     S.A. 1907, 7 Ed. VII, c.3.



the 1891 language provision of the Northwest Territories Act specifically applied were dis-established by legislation in both provinces.<sup>1</sup> But French was never specifically abolished. If the 1891 language provision is interpreted strictly as being limited to the specific institutions of the legal entity known as the Northwest Territories, it might be argued that from 1907 on, these institutions having ceased to exist in the two provinces, the new courts could not be bound by the language provision. On the other hand, if a broader point of view is adopted and the 1891 provision is taken as guaranteeing language rights within the courts of a territory, it can be said with equal authority that there is nothing in the legislation of Alberta or Saskatchewan abrogating the right to use French in their courts. While here again we are not prepared to say that the question can be answered categorically one way or another, we must note that recent jurisprudence in Alberta has raised the possibility that French is still recognized as one of the official languages which can be used in the courts of that province. Indeed, in the very recent case of General Motors Acceptance Corporation of Canada Ltd. v. Perozni,<sup>2</sup> Mr. Justice Tavender held that French was a "permissive language" in the

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1. Taylor, G.E. "The Official Language of the Courts in Saskatchewan", (1931) 9 Can.Bar Rev. 277, at p. 282.

2. (1965) 52 W.W.R. 32, also reported at [1965] 51 D.L.R. (2d) 724.





legislative assembly and the courts of Alberta. In addition to the foregoing arguments, Mr. Justice Tavender ruled that under the laws of England in force in Alberta it would appear that French is a permissive language where it has been used by custom.<sup>1</sup> The Court took judicial notice of the fact that there are certain areas in Alberta which have been inhabited by French-Canadians for a period running back to the beginning of the history of the area.<sup>1</sup> The same reasoning might be applied to Saskatchewan. If this view is adopted, an additional argument for the right to use French in the courts and Legislature of these provinces would result from custom and usage. But it must be admitted that the very same argument can be turned against this view since it could be said that by custom and usage French has ceased to be an official language in either province. In fact, the rules of the courts in both provinces bear this out by providing that where a party does not understand the English language it is at the discretion of the court to provide an interpreter.<sup>3</sup>

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1. (1965) 52 W.W.R. 32 at p.44.

2. ibid.

3. Consolidated Rules of Supreme Court of Alberta, 1962, Rule 330; Revised Rules of Court of Saskatchewan, 1961, Rule 293.



1.166      Conclusion.-

The question whether French is still an official language in Alberta and Saskatchewan is a difficult one and to some extent an academic one. Our research has not enabled us to resolve it satisfactorily but we think that the problem should be pointed out and solved either by judicial decision or by legislation. Apparently, the only pertinent legislative provision in Alberta was s. 40 of The Interpretation Act<sup>1</sup>

"When by Act public records are required to be kept or any written process to be had or taken, the records or process shall be kept, had or taken in the English language."

But, surprisingly enough, it does not appear in the 1958 revision of the Act<sup>2</sup>. Mr. Justice Tavender of the Alberta District Court has interpreted

this section in the above-mentioned case of General Motors Acceptance Corporation of Canada Ltd. v. Perozni<sup>3</sup> in the following manner:

"This is as far as I have been able to determine the only reference in any Alberta statute to the use of the English language. By it all 'public records' are to be in English. I have looked at the definition of 'public record' in several places and I have examined some of the text books on the law of evidence as it concerns 'public records' or 'public documents'. I have come to the conclusion that 'public records' refers to certain records or documents which are kept by certain government officials whose duty it is to inquire into and record permanently matters and facts about public matters. Under this definition would fall vital statistic records, census records, court and certain government tribunal records, etc. I do not think private documents such as conditional-sales agreements, bills of sale, etc., are properly classed as 'public records.' I was referred to an Oregon case

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1. 1955 R.S.A., c. 16.)

2. 1958 S.A., c. 32.

3. (1965) 52 W.W.R. 32, also reported at /1965/ 51 D.L.R. (2d) 724.





in which the court there held that a registered mechanics' lien was a public record. I do not consider this to be a sound decision under our law. The use of the word 'process' in the statute refers, in my opinion, to judicial process - statements of claim and defence, writs, etc."<sup>1</sup>

However, Mr. Justice Tavender was referring to a provision which ceased to exist seven years earlier!

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1. (1965) 52 W.W.R., 32, at 46.



F - OFFICIAL LANGUAGE OF BRITISH COLUMBIA

1.167 History of creation of British Columbia.-

What is now the Province of British Columbia had formerly been part of the Indian Territories. Two Imperial statutes had extended the jurisdiction of the courts of Canada to the Indian Territories, including British Columbia.<sup>1</sup> As a result, royal prerogative did not suffice to establish colonial government in British Columbia since it was ultra vires the Crown to override a statute of Parliament. Hence it was by Act of Parliament that Vancouver's Island was established as a colony in 1849.<sup>2</sup> This statute abrogated the application of the previous legislation as it affected the new Colony. But, although it did not provide for the establishment of legislative institutions, it did allow for the administration of justice subject to change by an eventual local legislator. The actual constitution for the new Colony took the form of Commission and Instructions to Governor Blanshard, dated July 9 and 13, 1849, respectively. These documents followed the general lines of other prerogative constitutions in North America, and more particularly in the Maritimes. We have discussed these in the first sections of this chapter. They imported English law into the new Colony.

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1. 43 Geo. III, c. 138 and 1-2 Geo. IV, c. 66.

2. 12-13 Vict., c. 48.





The Colony of British Columbia itself was also established by statute in 1858.<sup>1</sup> A Commission and Instructions were issued to Governor Douglas on September 2 of that year. He was authorized to make provision for the administration of justice and to enact laws for the peace, order and good government of the inhabitants. By an order-in-council of June 11, 1863, the Governor was empowered to provide for the administration of justice and to constitute a partly representative legislative council in British Columbia. The Colony of Vancouver's Island was united to British Columbia by an Act of Parliament.<sup>2</sup> When the B.N.A. Act was adopted in 1867, s. 146 thereof recognized the right of Canada to admit British Columbia. This was done by an Imperial Order-in-Council dated May 16, 1871. Section 10 of the Schedule to this Order-in-Council rendered the relevant provisions of the B.N.A. Act of 1867 (which must be deemed to include, naturally, s. 133). As we know, any doubt as to the ability of the Dominion to create new provinces was removed a few months later by the B.N.A. Act of 1871.<sup>3</sup>

1.168      English, the official language of British Columbia by custom.-

No British Columbia statute ever conferred official status on any language. The law of England was adopted as the

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1. 21-22 Vict., c. 99.
  2. 29-30 Vict., c. 67.
  3. 34-35 Vict., c. 28.



law of the Colony from the time of its establishment and the creation of its formal government. At that time English was the official language of all courts in Great Britain.<sup>1</sup> By custom and usage the official status of English does not seem to have ever been doubted in British Columbia.

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1. Pursuant to the Act of 1731, 4 Geo. II, c. 26 discussed in 1.06.





DIVISION IV

THE LANGUAGE OF THE OFFICIAL TEXTS OF CANADIAN  
CONSTITUTIONAL DOCUMENTS



1.169      Introduction.-

In the present division we will review all major documents of continuing constitutional significance for Canada with a view to determining the language in which the official text was passed (as distinguished from any unofficial translation). Most of these documents are re-printed in the British North America Acts and Selected Statutes, 1867-1962 by Dr. M. Ollivier<sup>1</sup>. Other statutes referred to have been examined in their original text wither in the Statutes of Canada or of the United Kingdom. A considerable number of documents are also found in Shortt and Doughty's Documents relating to the Constitutional History of Canada<sup>2</sup>. Since many constitutional documents are re-printed in Volume VI of the 1952 Revised Statutes of Canada, reference is had to this Volume whenever possible. The inescapable result of the following survey is that the Constitution of Canada today consists of a series of statutes and documents, the most important of which are in only one language: English.

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1. Ottawa, 1962.

2. Ottawa, 1918.





1.170 Pre-Confederation documents.-

(a) The Articles of Capitulation of the City of Quebec.-

The Articles of Capitulation of the City of Quebec were originally signed in French and the French text is the official one<sup>1</sup>. However, it is clear that there was also an English text at the time of the Capitulation since an English text appears in the work published in 1789 Capitulations and Extracts of Treaties relating to Canada<sup>2</sup>.

(b) The Articles of Capitulation of the City of Montreal.-

The official texts of the Articles of Capitulation of Montreal<sup>3</sup> were also signed in French, however, an English version is to be found in Capitulations and Extracts of Treaties relating to Canada.

(c) The Treaty of Paris.- The Treaty of Paris was signed on the 10th of February, 1763 in Paris. The official text is in the French language only, insofar as articles I to XXVII are concerned, however, the final articles of the Treaty are signed in French, Latin and Spanish<sup>4</sup>.

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1. Shortt and Doughty, op. cit., Part I, footnote on p. 5.

2. Published by the Queen's Printer for Lower Canada 1797, by order of the Governor.

3. Shortt and Doughty, op. cit., p. 7.

4. Shortt and Doughty, op. cit., pp. 97 and 113.



(d) The Royal Proclamation of 1763.<sup>1</sup>- The Royal Proclamation of October 7, 1763<sup>1</sup> was issued by George III in the English language, and, although a number of French translations exist, only the English text has legal validity. The official text of this Proclamation appears in the English version of the Revised Statutes of Canada and the translation appears in the French version "à titre documentaire". Only this French translation is taken from A collection of the Acts passed in Parliament of Great Britain and other Public Acts relating to Canada<sup>2</sup>.

(e) The Quebec Act.<sup>3</sup>- The Quebec Act, 1774<sup>3</sup> is an act of the Imperial Parliament and the official text exists in the English language only. However, an unofficial French translation ("à titre documentaire") appears in Volume VI of the Revised Statutes of Canada.<sup>4</sup>

(f) The Constitutional Act, 1791.<sup>5</sup>- The Constitutional Act of 1791<sup>5</sup> is likewise an Act of the Imperial Parliament and the official text is in the English language only; a French translation appears in Volume VI of the Revised Statutes of Canada ("à titre documentaire").<sup>6</sup>

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1. R.S.C., 1952, Volume VI.
  2. Published by order of the Governor, 1824, P.E. Desbarats, Law Printer; French and English texts are on opposite pages.
  3. 14 Geo. III, c. 83.
  4. R.S.C., 1952, Volume VI.
  5. 31 Geo. III, c. 31.
  6. R.S.C., 1952, Volume VI.





(g) Order-in-Council of the 24th of August, 1791.- The Order-in-Council of the 24th of August, 1791, divided the Province of Quebec into the Provinces of Upper and Lower Canada. The official text of this Imperial Order-in-Council is in the English language only<sup>1</sup>.

(h) The Constitutional Act Amendment Act.- The Constitutional Act Amendment Act of 1830<sup>2</sup> is an Act of the Imperial Parliament and exists in the English language only. We have been unable to find a French translation of this Act.

(i) The Union Act.- The Union Act, 1840<sup>3</sup> is an Act of the Imperial Parliament and the official text is in the English language only. However, a translation was made at the time, and this translation appears in Volume VI of the Revised Statutes of Canada 1952 ("à titre documentaire").

(j) The Union Act Amendment Act.- The Union Act Amendment Act 1848<sup>4</sup> relating to the use of the French language is an Act of the Imperial Parliament and as such was passed in the English language only. No translation of this Act appears to be available either in the French language.

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1. Shortt and Doughty, op. cit., Volume II, p. 1.

2. 11 Geo. IV and 1 Will. IV, c. 53.

3. 3-4 Vict., c. 35.

4. 11 and 12 Vict., c. 56.



(k) The Colonial Laws Validity Act.- The Colonial Laws Validity Act 1865<sup>1</sup> is again an Act of the Imperial Parliament, and was passed in the English language only.

1.171 British North America Acts and amendments and similar statutes.-

The following statutes, except the 1952 British North America Act, are Acts of the Imperial Parliament and their official text is in English only:

The British North America Act, 1867, 30-31 Vict., c. 3.

The Rupert's Land Act, 1868, 31-32 Vict., c. 105.

The British North America Act, 1871, 34-35 Vict., c. 28  
(Establishment of Provinces, validating Canadian Acts).

The Parliament of Canada Act, 1875, 38-39 Vict., c. 38  
(Validating Oaths Act).

The British North America Act, 1886, 49-50 Vict., c. 35  
(Representation of Territories).

The Canada (Ontario Boundary) Act, 1889, 52-53 Vict., c. 28

The Statute Law Revision Act, 1893, 56-57 Vict., c. 14.

The Canadian Speaker (Appointment of Deputy) Act, 1895,  
59 Vict., c. 3.

The British North America Act, 1907, 7 Ed. VII, c. 11  
(Provincial subsidies).

The British North America Act, 1915, 5-6 Geo. V, c. 45  
(alteration of the Constitution of the Senate)

1. 28 and 29 Vict., c. 63.





The British North America Act, 1916, 6-7 Geo. V, c. 19  
(Extension of Twelfth Parliament)

The Statute Law Revision Act, 1927, 17-18 Geo. V, c. 42.

The British North America Act, 1930, 20-21 Geo. V, c. 26  
(Agreement with Western Provinces).

The Statute of Westminster, 1931, 22 Geo. V, c. 4.

The British North America Act, 1940, 3-4 Geo. VI, c. 36.  
(Unemployment Insurance)

The British North America Act, 1943, 7 Geo. VI, c. 30  
(Readjustment of Representation)

The British North America Act, 1946, 10 Geo. VI, c. 63  
(Readjustment of Representation)

The British North America Act, (No. 1), 1949, 12-13 Geo. VI,  
c. 22  
(Terms of Union, Canada and Newfoundland)

The British North America Act, (No. 2), 1949, 13 Geo. VI,  
c. 81  
(Amendment of the Constitution)

The British North America Act, 1951, 14-15 Geo. VI, c. 32  
(Old Age Pensions)

The British North America Act, 1952, S.C., c. 15  
(This is a Canadian Statute)

The British North America Act, 1960, 9 Eliz. II, c. 2  
(Tenure of Office of Judges)

A French translation of the Rupert's Land Act, 1868 and of the Statute of Westminster, 1931 appears in the French edition of the Statutes of Canada in those years, although they are Acts of the Imperial Parliament whose official text is in English only.





1.172 Imperial orders-in-council.-

A number of Imperial orders-in-council deserve attention:

1. Order of Her Majesty in Council admitting Rupert's Land and the North Western Territory in the Union, June 23, 1870.
2. Order of Her Majesty in Council admitting British Columbia into the Union, May 16, 1871
3. Order of Her Majesty in Council admitting Prince Edward Island into the Union, June 26, 1873
4. Order of Her Majesty in Council admitting all British Territories and Possessions in North America and all Islands adjacent thereto into the Union, July 31, 1880.

Their original text is in English but French translations appear in the French version of the Statutes of Canada in their respective years. It should also be noted that the Letters Patent Constituting the Office of Governor General of Canada, effective October 1, 1947, were published in both English and French in the Canada Gazette.

1.173 Canadian constitutional statutes.-

Dr. M. Ollivier in his above-quoted work lists 78 statutes of the Canadian Parliament which affects the Constitution of the country. The most important of these would be:

- The North-West Territories Act, 1869, 32-33 Vict., S.C., c. 3.
- The Manitoba Act, 1870, 33 Vict., S.C., c. 3.
- The Alberta Act, 1905, 4-5 Ed. VII, S.C., c. 3.
- The Saskatchewan Act, 1905, 4-5 Ed. VII, S.C., c. 42.



The Terms of Union of Newfoundland with Canada, 1949,  
13 Geo. VI, S.C., c. 1

The Succession to the Throne Act, S.C., 1937, c. 16.

The Senate and House of Commons Act, R.S.C., 1952, c. 249.

The Supreme Court Act, R.S.C., 1952, c. 259.

Since they are Acts of the Federal Parliament, they were published in both English and French.

The Terms of Union of Newfoundland with Canada, 1949.  
13 Geo. VI, S.O., c. 1

The Succession to the Throne Act, S.O., 1937, c. 16.

The Senate and House of Commons Act, R.S.O., 1951, c. 229.

The Supreme Court Act, R.S.O., 1952, c. 53.

Since they are Acts of the Federal Parliament, they were published

in both English and French.







